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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE MACBOOK KEYBOARD  
LITIGATION

Case No.18-cv-02813-EJD (VKD)

**ORDER RE DISCOVERY**

The Court held a discovery status conference on June 21, 2019. Dkt. No. 139. As discussed at the conference, the application of search terms to Apple’s document collections has resulted in a collection of 1.1 million documents that are subject to review. Apple has already reviewed approximately 900,000 documents and produced approximately 60,000 responsive documents to plaintiffs. Approximately 120,000 documents remain to be reviewed.

Apple says that it has reached a recall rate of about 75% at this point of its technology assisted review, and that the review process as a whole has yielded a high-quality production of responsive documents. Apple advises that the responsiveness rate for the remaining collection of 120,000 documents is expected to be extremely low—perhaps only 1-2%—and that the burden of continuing such review is disproportionate to the needs of the case. Apple asks to be relieved of any obligation to continue its review beyond a confirmed 75% recall rate threshold or, in the alternative, asks to shift the cost of such review to plaintiffs. Plaintiffs object to Apple’s ceasing its review or shifting the costs of the remaining review to plaintiffs.

As discussed at the status conference, the Court will require Apple to complete the review and production of responsive documents, including the remaining collection of 120,000 documents. Apple shall complete that review and production by **August 30, 2019**. However, the

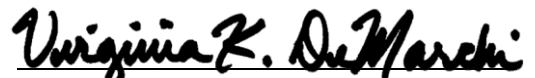
United States District Court  
Northern District of California

1 Court believes that Apple’s arguments regarding the disproportionate nature of continued review  
2 merit further consideration. Accordingly, once the review and production has been completed,  
3 Apple may file a motion seeking reimbursement for some or all of the expense associated with  
4 review of the remaining 120,000-document collection. That motion may be filed as a regularly  
5 noticed motion (and not as a discovery letter brief).

6 Before undertaking its review of the remaining document collection, Apple shall promptly  
7 advise plaintiffs of the expense it estimates it will incur for such review. In addition, the parties  
8 shall confer in advance of Apple’s filing a motion for reimbursement in an effort to resolve the  
9 matter without the Court’s assistance.

10 **IT IS SO ORDERED.**

11 Dated: June 21, 2019

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14 VIRGINIA K. DEMARCHI  
15 United States Magistrate Judge  
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