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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Before The Honorable Lisa J. Cisneros, Magistrate Judge

In Re:)
)
LYFT, INC. PASSENGER SEXUAL) No. 3:26-md-03171-RFL
ASSAULT LITIGATION)
)

San Francisco, California
Tuesday, July 14, 2026

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND
RECORDING 3:12 - 3:59 = 47 MINUTES

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1 Tuesday, July 14, 2026

3:12 p.m.

2 P-R-O-C-E-E-D-I-N-G-S

3 --oOo--

4 THE CLERK: We are calling 26-MD-03171-RFL. This
5 is the In Re: Lyft, Inc. Passenger Sexual Assault
6 Litigation.

7 Counsel will state their appearances for the record,
8 beginning with Plaintiff.

9 Rachel, can you please start?

10 MS. ABRAMS (via Zoom): Good afternoon, your
11 Honor. Rachel Abrams for the Plaintiffs.

12 THE COURT: Okay. Good afternoon.

13 MS. LUHANA (via Zoom): Good afternoon, your
14 Honor, Roopal Luhana, Chaffin Luhana, for the Plaintiffs.
15 Nice to see you.

16 THE COURT: Yeah. Good afternoon.

17 MS. WAGSTAFF (via Zoom): Good afternoon, your
18 Honor. Aimee Wagstaff on behalf of the Plaintiffs.

19 THE COURT: Okay. Good afternoon.

20 MS. ELLIS (via Zoom): Good afternoon. Tiffany
21 Ellis for the Plaintiffs.

22 THE COURT: Okay. Great. Good afternoon.

23 THE CLERK: And Defense? Joshua?

24 MR. WES (via Zoom): Good afternoon, your Honor.
25 Joshua Wes on behalf of Defendant Lyft.

1 THE COURT: Okay. Hello. Good afternoon.

2 MS. KOHANE (via Zoom): Good afternoon, your
3 Honor. Nadine Kohane also on behalf of Lyft.

4 THE COURT: Okay. Great.

5 MR. RISKIN (via Zoom): And good afternoon, your
6 Honor. David Riskin on behalf of Lyft.

7 THE COURT: Okay. Great. Thank you. Good
8 afternoon to both of you as well.

9 So we have this MDL on for a status conference
10 regarding discovery, and I've had an opportunity to review
11 the status report. So we'll just work through the various
12 issues as well. I've made a lot of progress on my order
13 regarding the ESI protocol, so that should issue shortly,
14 and that will give you guidance going forward.

15 But to start with the issues and dig in deeper to the
16 issues in the status report, as far as the ESI -- the
17 disputes around Lyft's ESI disclosures, I know I issued an
18 order directing Lyft to provide some follow-up information,
19 and Plaintiffs have some complaints about what has been
20 disclosed. The complaints seem to me, based on the
21 information that I have, somewhat abstract and not in a
22 state where I can resolve any particular disputes. So now
23 you'll have the dispute procedure, which we've nailed down
24 and I've approved in a stipulation, so if there are some --
25 if there's ongoing disputes about that, you can present that

1 in -- using the newly minted pretrial order 18 and the
2 dispute procedure set out there.

3 Regarding the metadata fields, I would like you all to,
4 you know, file a joint stipulation by tomorrow that lists
5 out the additional metadata fields, so that I can include
6 them in the ESI protocol.

7 MS. ELLIS: Your Honor, if I'm --

8 THE COURT: Yeah. Go ahead.

9 MS. ELLIS: -- there remains a dispute with --
10 well, first -- to your first point, we're happy to exercise
11 the first dispute letter and intend to do so. We have a
12 number of outstanding questions to Lyft that were posed on
13 July 7th that we -- that are very specific that we've yet to
14 receive an answer to, and they mirror those that we've been
15 asking since April, so we will present that to your Honor in
16 a joint dispute after conferring again with Lyft on it.
17 Happy to revisit any of those if it would be helpful, but I
18 will move on for the sake of brevity.

19 As to the metadata fields, we have reached agreement
20 about all but a handful of metadata fields. And similar to
21 Plaintiffs' position that Lyft has not disclosed with any
22 adequacy the information that it should for us to really get
23 to agreement on this, there's about five -- there's a number
24 of Slack metadata fields that Lyft has agreed to produce.
25 However, Plaintiffs produced or Plaintiffs suggested another

1 -- a number of other metadata fields that Lyft has simply
2 refused to discuss because they say that those are outside
3 the normal collection process that they go through in order
4 to get these materials. In so answering, they've not
5 provided us any detail about whether Lyft uses any other
6 proprietary Slack-specific metadata fields that might also
7 be produced that are outside those that Plaintiff suggested,
8 nor have they provided any information about what burden
9 precisely would be placed on them if they had to click an
10 additional box that is outside the standard export process
11 that they assert that they use to collect these metadata
12 fields. We again have asked these -- asked them these
13 questions on July 7th. We've not received answers to those.
14 We would -- you know, we're happy to confer with Lyft
15 tomorrow on this and include that as part of the joint
16 submission and stipulation, to the extent that there are
17 disputes that remain.

18 THE COURT: Okay.

19 MR. WES: Your Honor, if I may? On behalf of
20 Lyft, Joshua Wes.

21 THE COURT: Sure.

22 MR. WES: Yeah, so Plaintiff originally proposed
23 62 metadata fields, which one of those was duplicative, so
24 it was 61. We agreed to all but five of those, which some
25 of those are in front of you for resolution I know in the

1 ESI issues that you're working your way through. We then
2 address the Slack chat issue as far as getting some specific
3 Slack metadata fields to cover areas where some of the
4 fields only cover Google Chat, for example. We have
5 proposed and agreed upon -- we have -- we found two of those
6 that actually cover the Google Chat fields that are already
7 in the protocol. And then there were five additional ones
8 that we were able to agree upon because they're part of
9 Lyft's standard collection tool processing. There are an
10 additional -- so we're up to 68 fields that we've all agreed
11 on at this point. There are an 11 additional fields that
12 Plaintiffs have now asked us for that are not available
13 through standard processing. We are exploring whether
14 there's an alternative way to get those and whether it's
15 feasible for any of those and will confer with Counsel as
16 just addressed and try to have that in the submission for
17 tomorrow. If we don't have the data yet for it, we'll at
18 least reference the status of that in the submission that
19 you're asking for for tomorrow.

20 But I think we're very close here. Our concern is just
21 we keep getting requests for more and more, right? We --
22 we're almost there. We almost kind of got something agreed
23 on, and then we get -- you know, we got basically a list of
24 16 additional fields about a week and a half ago that
25 Plaintiffs just kind of said, "Oh, now we want these, too."

1 So we would just like to wrap this up, and besides I'm sure
2 your Honor would like to wrap it up as well. So that's the
3 status from our perspective.

4 THE COURT: Okay. All right. Well, you know, it
5 -- the ball is in both of your courts in terms of doing the
6 due diligence to, you know, follow up and figure out the
7 availability of these other metadata fields and any -- you
8 know, to the extent there are assertions of burden, then,
9 you know, that should be not just a generalized assertion,
10 but really kind of explained to the Plaintiffs as far as
11 what that burden looks like. I imagine that there's sort of
12 routine metadata fields that are available in routine
13 collections. What it means to add a particular field that's
14 not been part of the production in the past, maybe it's as
15 simple as clicking a box, and, "Oh, nobody has asked for
16 that before, but it is available, and we can add that in,"
17 or maybe it is more complicated. I'm not in a position to
18 know, but my preference is for you all to really engage
19 substantively and meaningfully with -- in a discussion that
20 is that deep and that substantive and hopefully reach some
21 sort of compromise, and then -- so we can move forward,
22 because this may not be -- these may not be disputes that
23 really need to be litigated in the grand scheme of things.
24 So -- all right.

25 Now, is there any -- so I guess you might not have a

1 joint stipulation because there might be a dispute.

2 Hopefully, there's not, but you have your dispute procedure
3 if you need to use it.

4 So as far as Plaintiffs' ESI obligations --

5 MS. ELLIS: Your Honor, may I just clarify
6 quickly, would you -- if there is a dispute regarding the
7 remaining Slack fields, do you want us to put that in the
8 submission tomorrow or file a separate dispute letter?

9 THE COURT: Well, the -- let's do it this way.
10 The joint stipulation filed tomorrow should at least
11 disclose the five agreed upon Slack metadata fields, because
12 I would like to know -- can you do that by noon, so that way
13 I have that information, and I can work that into the ESI
14 protocol order?

15 MS. ELLIS: That's fine.

16 THE COURT: Okay. And then to the extent you are
17 still negotiating the other metadata fields, if you can't
18 reach an agreement, then can you file your joint letter by a
19 week from today?

20 MS. ELLIS: Yes, your Honor.

21 MR. WES: Yes, your Honor.

22 THE COURT: Okay. So that would be July 21.
23 Okay.

24 MS. ELLIS: Thank you for the clarification.

25 THE COURT: Okay. Great. Yeah. Thank you for

1 the follow up to get the clarification.

2 Okay. So now the Plaintiffs' ESI obligations, Lyft is
3 proposing that there be a set of requirements governing
4 Plaintiffs' fact sheet productions. I understand that those
5 fact sheet will be produced starting on July 22nd. Because
6 the nature of the ESI productions for Lyft are complicated,
7 vast, but it all concerns one responding entity for the most
8 part, you know, Lyft, then it -- to me, it seems like this
9 ESI protocol that I'm on the cusp of issuing and finalizing
10 should just address Lyft and not include the requirements
11 that would govern Plaintiffs' productions. But I think as a
12 matter of fairness, Plaintiffs -- it's fine for us to have
13 an ESI protocol that governs the Plaintiffs' production, but
14 it's going to be -- there will be probably some similarities
15 and -- but it's also the nature of the discovery is going to
16 be a bit different because you're going to have all these
17 different passengers, and they may be using different
18 platforms or e-mail services and so forth. But in
19 principle, I think that Lyft's proposals are, you know,
20 reasonable, but I just don't want to delay the issuance of
21 the ESI protocol that's really formulated principally for
22 the common discovery that Lyft needs to complete, and we
23 have that January deadline, January 2027, so we don't have a
24 similar deadline for all the Plaintiffs' discovery or the
25 case-specific discovery, so we have a little bit more time,

1 though I also understand production is going to start for
2 the fact sheets on July 22nd, and there's some records that
3 will come -- will accompany those fact sheets. So the ESI
4 protocol that I'm going to issue first is just going to
5 govern Lyft, but I will want you all and I will direct you
6 all to meet and confer by July 21st to start to formulate an
7 ESI protocol for Plaintiffs' productions.

8 MS. ELLIS: Your Honor, may I address the Court?

9 THE COURT: Yeah, go ahead.

10 MS. ELLIS: Okay. We have met and conferred with
11 them about this probably a half a dozen times, and in
12 Plaintiffs' mind, this is a solution looking for a problem.
13 I'll just note at the outset that we went through three and
14 a half years of litigation in the MDL -- the Uber MDL and
15 had no plaintiff-specific ESI provisions, and we had no
16 issues there. There -- with maybe one exception, this has
17 not been something that has been standard course in MDL
18 litigation, to provide plaintiff-specific provisions. And
19 we have offered, in light of the fact that there are PFS
20 orders, that the PFSs are going to be signed and verified by
21 our clients, and they have obligations to produce things in
22 their completeness and quite frankly the fact that we have
23 every interest in giving Lyft the most complete version of
24 information that we have at this point in order to allow
25 them to verify whether or not these rides actually existed.

1 That is the point of this process that we're talking about
2 right now is Plaintiffs' provision -- unsophisticated sexual
3 assault survivor Plaintiffs' provision of information,
4 mostly from their cell phones and personal e-mail accounts,
5 potentially that they've gotten copies of from law
6 enforcement that is -- would support the claims that they're
7 making, so that Lyft can determine whether that ride
8 actually existed. We have -- we have told them that we are
9 happy to provide formal instruction to all Counsel who have
10 filed cases into this MDL about what the completeness of a
11 PDF looks like if Counsel is assisting in the collection of
12 that PDF as we do in the normal due course of almost all
13 litigations, and certainly we have in this one and in our
14 other rideshare sexual assault litigation Bates number, the
15 productions that we give to them to keep attachments
16 together with the e-mails that they belong to. I mean, we
17 have -- the motivating interests are slightly different
18 here, and there's an imbalance that I just don't -- I want
19 to be careful that we keep in mind as we're having this
20 conversation, because imposing anything that looks even sort
21 of similar to what we're talking about when it comes to a --
22 you know, a multibillion-dollar international corporation,
23 unsophisticated sexual assault survivor clients,
24 particularly at this early stage of litigation before
25 they're even getting into bellwether selection, more or less

1 case-specific discovery can have a chilling effect on a
2 client's ability to go through this litigation. It can also
3 increase the burden and costs that it takes to litigate
4 these cases to the most basic point of trying to confirm
5 with Lyft as to whether or not the ride even existed. So
6 we're willing to continue to confer with them about this.
7 We've made these positions clear time and time again. We're
8 -- we believe that, again, this is a solution looking for a
9 problem and that they are asking for things that may be more
10 appropriate during bellwether fact-specific discovery but
11 that have no place in this early stage of litigation when
12 there are already verified processes in place for exchanging
13 information and there are no problems that they can point to
14 that prevent them from doing what they need to do with this
15 information.

16 MS. KOHANE: Your Honor, if I may respond for
17 Lyft?

18 THE COURT: Sure.

19 MS. KOHANE: I just want to clarify for the record
20 a few things. First, what we're talking about now is
21 discovery and Plaintiff fact sheets. This is not about
22 verifying a ride any longer. That ride verification process
23 has actually informed our discussions about why it's
24 imperative that we do have some guardrails, right? We --
25 we've sort of backed off of the fact that the ESI protocol

1 that the Court is engaging with now is going to apply
2 mutually to both sides, but there have to be some
3 guardrails, because what we're receiving with respect to the
4 ride receipt disclosure forms are cut off PDFs, are
5 screenshots of different documents than we expected to
6 receive, and information that isn't giving us what --
7 documents that aren't giving us the information we thought
8 we were going to get, that we had negotiated and we thought
9 we were all on the same page about. And when we raised that
10 with Plaintiffs and the Court, you know, we sort of reached
11 a conclusion about the ride receipts, but this is different
12 from verifying a ride, which we're now, you know, sort of
13 past doing. The Plaintiff fact sheets are different. This
14 is their -- this is our opportunity to collect discovery
15 about the ride at issue, about Plaintiffs' claims. The
16 discovery is going to inform bellwether selection, inform
17 motion practice. It's no longer about verifying whether a
18 ride happened or didn't happen. And the PFS itself has
19 already been ordered, right? The documents that Plaintiffs
20 are required to give us if -- or to disclose if those
21 documents are in Plaintiffs' possession are spelled out in
22 the PFS and in the implementation order. The implementation
23 order and the PFS both contemplate already through
24 negotiations and by entry of the Court's order that the
25 documents that Plaintiffs provide will be provided, subject

1 to an ESI protocol. So we're in this sort of gap and limbo
2 where we've already negotiated and agreed that there will be
3 some sort of ESI guardrails with respect to Plaintiffs'
4 document production. We acknowledge we're not talking about
5 full scale documents the way that Plaintiffs are seeking
6 from Lyft. There are very limited scope of documents that
7 the PFS calls for. And with respect to those documents, we
8 think it appropriate that there be, you know, the limited
9 guardrails that we've suggested and put before the Court.
10 The bulk of that language that has been presented to your
11 Honor came from Plaintiffs. I don't agree that it's a
12 single MDL that has ever required Plaintiffs to submit ESI
13 or submit documents in a specific format. I myself have
14 been involved in MDLs where there are mutual obligations or
15 obligations beyond what Plaintiffs have proposed here and
16 beyond what Lyft has proposed here, but we simply don't want
17 to be in a situation where actually the opposite of what Ms.
18 Ellis has suggested comes to fruition. It's not a solution
19 looking for a problem, right? We are -- we know that
20 there's potential for a problem because we've seen it with
21 respect to the ride receipts, and we simply want some
22 limited guardrails as --

23 THE COURT: Okay.

24 MS. KOHANE: -- those that we've suggested.

25 THE COURT: So I kind of understand the nuances to

1 the situation here in that discovery on the part of hundreds
2 or thousands of Individual Plaintiffs is going to be a
3 different animal. And because of the nature of that
4 individualized discovery, there's -- you know, there's a
5 burden there that's significant, so kind of what's the
6 appropriate timing to do -- to engage in that process? But
7 I think Lyft has a legitimate concern with respect to the
8 fact sheet, that the fact sheet calls for the production of
9 certain communications accompanying the fact sheets. And
10 it's -- the fact sheet refers to an ESI protocol. I just
11 told you the ESI protocol that's rolling out is going to be
12 for Lyft. It's not going to be for Plaintiffs. But -- so
13 there needs to be something that identifies, "Well, what is
14 this protocol? What are the parameters?" And there is, I
15 think, a fair concern on the part of Lyft wanting to have
16 some assurances as to the quality of the production or what
17 are -- what's this -- what should be expected when these
18 records -- these communications, text messages, e-mails are
19 produced. And that is standard bread and butter type of
20 issue in any civil action. And it will be efficient for us
21 to kind of get some sense of what the format should be, and
22 I want Plaintiffs' feedback, you know, like what is doable?
23 That may require some discussion amongst the Plaintiffs'
24 attorneys from the different law firms that have different
25 groups of clients, you know, and we have a deadline coming

1 up July 22nd where the first round is going to be produced.
2 So, ordinarily, you expect ESI to be produced in native
3 format. I don't -- you know, but I think it's also common
4 for people to convert e-mails in Gmail into PDFs and to send
5 that along. I don't know all the particulars of what kind
6 of metadata is baked into that, if that's adequate or not.
7 So, clearly, you all have some work to do in terms of
8 meeting and conferring on that. And I would like you to
9 meet and confer further by July 21st. And if you can't work
10 out something that is reasonable and a compromise that
11 everybody is -- you know, buys into, then you brief the
12 issue in a week or two. You know, there's no reason -- all
13 of these individual passengers, they're not business
14 enterprises with information governance systems and IT
15 professionals, so this is going to look different. But I
16 think we live in a world where there -- we have artificial
17 intelligence, generative AI, all sorts of tools that are
18 broadly available to the public, and I think there's been
19 some concerns with respect to the authenticity of certain
20 ride receipts, and so those types of vulnerabilities in
21 terms of, you know, what gets collected and produced as
22 evidence, I think we need to have our, like, eyes open to
23 the -- that reality that we live -- like, this is an MDL.
24 Between Uber and Lyft, these cases have a lot of publicity
25 around them and awareness, and I want the discovery here to

1 be robust and to pool real documents. And so I don't know
2 what's involved in terms of extracting people's text
3 messages. It may be that that's something that costs
4 hundreds of dollars for each cell phone, so to have to
5 invest in that at the front end, early on in a case where
6 you're just doing fact sheets, that may be more than
7 necessary, and it may not be something that can be
8 accomplished by July 22nd. So, anyway, you all should meet
9 and confer, figure out something that works.

10 MS. ELLIS: Yes, your Honor.

11 MS. KOHANE: Thank you, your Honor.

12 MS. ELLIS: We will.

13 If I -- can I just -- I would like to address one point
14 here.

15 THE COURT: Okay.

16 MS. ELLIS: This is -- your Honor identified the
17 problem particularly that I am confident we are going to
18 come up against and not see eye to eye with Lyft on in our
19 conferrals, because it has been the point that we have
20 conferred about multiple times already, and we do not see
21 eye to eye.

22 The Plaintiff fact sheet is an initial information
23 exchange tool. It is not meant to provide fulsome discovery
24 responses and is not meant to take the place of discovery
25 that will be produced if and when a client is selected as a

1 bellwether client. Nine times out of 10, 990 times out of
2 100, the way we get these records from our clients are
3 screenshots that they send them to us, we put them into a
4 PDF form, and we give them to defendants after Bates
5 numbering them and putting them in order and making them
6 make sense. What Defendants have suggested to us would
7 require us to go back to each of these Plaintiffs that have
8 provided us these records and do a new collection to collect
9 information in a native form that it came from, including
10 the metadata that was already there, and would truly require
11 a sort of forensic collection that is not hundreds of
12 dollars, but possibly thousands of dollars that would be
13 required -- that we would, number one, have to go to each
14 client and ask for the right to do, ask for their
15 willingness to do that at this very early, early, early
16 stage in litigation before they have even been contemplated
17 as a bellwether, more or less going down the path of
18 individual fact discovery. But what Defendants are
19 proposing in the language that they have used from the 3M
20 MDL, which is the only Plaintiff-specific language that we
21 know of out there in the MDL -- certainly, there -- I will
22 acknowledge that there are some bilateral ESI, you know,
23 orders that are out there, but the only Plaintiff-specific
24 language that we are aware of is the 3M language. They have
25 added to that in what they proposed to us in ways that would

1 require us to produce metadata at these early stages of
2 litigation that is of -- that would require significant
3 time, expense, and would have a chilling effect on
4 Plaintiffs. We are happy to confer with them, but I just
5 want your Honor to know that what we see already that
6 they're asking for is a significant issue and burden on the
7 Plaintiffs that would have -- that, given the processes and
8 orders that we already have in place, is unnecessary at this
9 point in the litigation and would have a severe chilling
10 effect on our ability to pursue even, like, looking into
11 these claims with what Lyft has for a number of clients in
12 this litigation. So I'm not trying to be obstructionist. I
13 just want your Honor to know that we'll meet and confer, we
14 will do this in good faith, but there are significant --
15 there is a fundamental significant gap between the parties
16 on this topic.

17 THE COURT: And do you -- given the time that you
18 spent looking at this issue and talking about it, do you
19 think that there is some step beyond the screenshot that
20 provides a copy of the text message in --

21 MS. ELLIS: No.

22 THE COURT: -- some format? Like --

23 MS. ELLIS: No.

24 THE COURT: -- screenshot is the only way short of
25 -- sometimes, you can, like, e-mail yourself a photo from

1 your phone --

2 MS. ELLIS: And, your Honor, we -- and I will lean
3 on lessons from another litigation that you are well
4 familiar with, where we have entered a detailed protocol to
5 deal with these very issues, and in that litigation and in
6 that detailed protocol, we have -- it's contemplated much
7 the same. The type of detail that Defendants are asking for
8 is not typically done until there's a forensic search of
9 social media using highly intrusive forensic search of
10 social media. And the way that these unsophisticated sexual
11 assault survivor clients exchange information with their
12 attorneys when, you know, they're struggling through what
13 they struggle with in participation and litigation as it is
14 to begin with, it is that they -- they give it to us in
15 whatever form they can give it to us in. And then if they
16 e-mail it to us, there's an inherent sort of difference. As
17 you've recognized, we are not multinational, multibillion-
18 dollar corporations. We don't have -- we don't have
19 preservation policies. We don't have collection tools that
20 we're going to be employing. We have preservation
21 obligations, we don't have data retention policies. We
22 don't have data collection tools that are standard in
23 collecting things for plaintiffs and sexual assault
24 litigations. And so the metadata changes if it's e-mailed
25 to -- if my client e-mails me something or texts me

1 something, the metadata is going to reflect that in whatever
2 it is that I ultimately produce to Defense counsel. That
3 then puts an additional burden on the Counsel for each of
4 these Plaintiff fact sheets to go in and do redactions of
5 work product, because who -- what Counsel is it that was e-
6 mailed that to, and how is it that we're even going to do
7 that? And opening these questions at this point in the
8 litigation is a Pandora's box of expense, burden, and
9 significant problems that are not even appropriate, given
10 what we have already, until we get to the bellwether
11 selection in fact discovery stage.

12 THE COURT: Yeah. I mean, I don't think it's
13 inappropriate to raise these questions and ask about it
14 because we're talking about it and we're then in a position
15 to say, "Okay. What's proportionate approach at this stage
16 of the litigation?" So it's -- I think it's a difficult
17 kind of challenging set of issues to parse out. I don't
18 think it's wrong to -- on the part of Lyft to raise it and
19 figure out, "Okay. Well, what is the approach?" And maybe
20 it's simply, I don't know, an accompanying declaration on
21 the part of the Plaintiff saying, "I've sent these
22 screenshots to my counsel. They are truthful copies of the
23 -- you know, the text communications from a date -- you
24 know, this date to that date. And then I understand, you
25 know, in the future, I'm going to make -- I'm going to keep

1 these, and I'm going to make them available in the future at
2 the point necessary for, you know, a forensic extraction,"
3 you know. And so -- you know, so that might be a way of
4 Lyft getting some assurances as to the -- some intervention
5 to help also the Plaintiffs understand that this is a
6 serious process with the fact sheets, and so they need to
7 look for the -- all the messages and so forth.

8 But the other point I want to make, though, is it's one
9 thing about -- to address all of the information, Ms. Ellis,
10 that you and all of the Plaintiffs' attorneys have gathered
11 from your client at this point, and, you know, the prospect
12 of having to redo all of that in advance of the July 22nd
13 production is an issue and a particular burden versus what
14 to do going forward as you get new cases and as there's
15 further PFSS that are prepared and produced and maybe the
16 collection of the communications is handled differently from
17 screenshots, but I'm not somebody -- I haven't really played
18 around with how text messages can be produced in native
19 format.

20 MS. ELLIS: It would be --

21 THE COURT: Short of forensic extraction.

22 MS. KOHANE: Your Honor, I think it makes sense
23 for us to meet and confer about this with the Court's
24 guidance that you've offered so far. We're not insensitive
25 to what Ms. Ellis has said and what her Co-counsel has said

1 with respect to collecting information from these
2 Plaintiffs, but the fact sheet says what it says and
3 requires certain production of documents, and we just simply
4 want those documents to come in a format that we're
5 expecting, and so we don't have to deal with one-off
6 disputes, you know, with various Plaintiffs' counsels down
7 the line where we're getting inconsistent materials, and we
8 can talk about it and --

9 THE COURT: And some of that inconsistency may not
10 be a function of the Plaintiffs' counsel. People have --
11 some people have iPhones, some people have Cricket phones,
12 some people have, you know, Android, Samsung, nice, Galaxy
13 phones, so who knows how that affects --

14 MS. KOHANE: Sure.

15 THE COURT: -- you know, the screenshot.

16 MS. KOHANE: I think it's going to be a limited
17 set of issues with respect to the PFS production.
18 Bellwether discovery and sort of full-scale discovery and
19 collections -- and forensic collections that we might need
20 to do down the line I don't think need to be addressed right
21 now. But I think with respect to the PFS, we hear your
22 Honor's directive to meet and confer, and we understand Ms.
23 Ellis' concerns, and we'll circle back with the Court with
24 respect to a proposal if we can, hopefully a joint proposal.

25 THE COURT: Uh-huh. And I do agree with Ms. Ellis

1 that the Plaintiff fact sheets is high-level information
2 gathering for purposes of identifying cases that may be
3 appropriate for the bellwether trial process, and so the
4 expectation should be in the amount of work involved and
5 energy and time and resources and money invested in the PFS
6 process should be limited --

7 MS. KOHANE: Sure.

8 THE COURT: -- relative to what you're going to do
9 with case-specific discovery for Individual Plaintiffs as
10 the cases are worked up for bellwether trials.

11 MS. KOHANE: I think we are all in agreement. We
12 did not -- when speaking with Counsel yesterday, we did not
13 suggest that a forensic accounting had to be done of all
14 text messages relevant to a subject incident. That's not
15 what we're talking about. We're concerned about if a
16 screenshot gets to Plaintiffs' counsel and they convert it
17 to a PDF, some of the metadata that existed at the time is
18 lost. Those are the sorts of things that we're talking
19 about with respect to the very limited documents that are
20 already contemplated by the PFS. But I hear your Honor, and
21 we'll circle up with the Plaintiffs and submit something to
22 the Court for consideration.

23 THE COURT: Okay. All right.

24 Now, let's -- you have your discovery -- I'm moving
25 through the other issues, interim discovery milestones.

1 Where are you all at in terms of meeting and conferring
2 about interim discovery milestones?

3 MR. WES: Yes, your Honor, Joshua Wes for Lyft.
4 We have a follow-up meet and confer with Plaintiffs on -- I
5 think it's scheduled for Thursday to discuss. We've had one
6 meet and confer already. We're waiting for a specific
7 proposal from Plaintiffs at this point to discuss and go
8 over, but that is in discussion.

9 THE COURT: Okay. All right. So if -- I would
10 like you all to finish that meet and confer by July 21st and
11 file your proposed schedule -- stipulated schedule within
12 three business days after that or your letter by that point
13 if you can't come to some sort of agreement, okay?

14 MR. WES: Understood, your Honor. Thank you.

15 THE COURT: All right. Now, where do things stand
16 with respect to the privilege log protocol?

17 MS. ELLIS: Your Honor, Plaintiffs have proposed
18 responsive edits to Lyft's responses last week, and we are
19 awaiting their response.

20 MR. WES: Yeah, we -- so we received Plaintiffs'
21 original proposal, sent them back our edits about a month
22 ago, and had a meet and confer with them a few weeks after
23 that. We just got back their edits I think it was on
24 Friday, so it was last week, but we're just going through
25 those, and we'll be setting up a further meet and confer. I

1 think we'll be able to resolve hopefully every issue in
2 there, but we're pretty close, I think, to being able to get
3 something submitted.

4 MS. ELLIS: That's great news to me, your Honor.
5 I'm hopeful as well, but to the extent --

6 THE COURT: Okay.

7 MS. ELLIS: -- that we can't, we'll submit a
8 dispute letter.

9 MR. WES: Yeah. Oh, absolutely. We'll go through
10 the process if we have to. Well -- yeah.

11 THE COURT: Okay.

12 MR. WES: We'll put it on our -- we'll set up a
13 meet and confer later this week --

14 THE COURT: Okay.

15 MR. WES: -- (indiscernible) next week, yeah.

16 THE COURT: All right. Great. So thank you for
17 that update.

18 Now, I just want to pivot to the briefing regarding the
19 preservation issues. So even though Lyft filed the
20 application and the declaration, it's under seal -- portions
21 of the briefing are redacted, and so I would like to get --
22 I don't have any way -- like, unredacted version of this,
23 even under seal. So if you could look at the filing at ECF
24 246, specifically at page two of that filing, I'm not able
25 to see everything, so --

1 MR. WES: You do not have access to the unredacted
2 version of what we filed at ECF 246, so we will have that
3 delivered to you.

4 THE COURT: Yeah, that's the application and
5 the --

6 MR. WES: Yeah. Yes.

7 THE COURT: So if you could refile that in
8 unredacted form under seal within the next 24 hours, then
9 I'll be able to see all of this.

10 MR. WES: Yes, your Honor.

11 THE COURT: Okay. And then I'll go from there.

12 All right. Is there anything else that you all want to
13 discuss?

14 MR. WES: Your Honor, I did have one. At the June
15 23rd hearing, we had addressed, in response to your Honor's
16 question, that Lyft's business is materially smaller than
17 Uber. And we just wanted to follow up with a few data
18 points for your reference and record, as we referenced we
19 would at the last conference.

20 So Uber's market capitalization is approximately \$145
21 billion compared with Lyft's of approximately \$5.4 billion.
22 So Lyft is about four-percent the market cap of Uber. For
23 2025, Lyft's revenue was roughly one-eighth of Uber's, so
24 about 12-percent, so 6.3 billion in revenue, while Uber's
25 was approximately 52 billion. From industry tracking data

1 from 2024, Uber held approximately 76-percent of the
2 observed U.S. rideshare consumer spending, compared with 24-
3 percent for Lyft. And then in 2025 -- at the end of 2025,
4 Lyft reported approximately 3,900 employees, as compared to
5 Uber's of approximately 34,000 employees, so nearly nine
6 times as many. And so we would just emphasize that because
7 ESI preservation, collection, review burdens fall on
8 internal personnel, a company with a fraction of the
9 workforce necessarily has a fraction of the internal
10 capacity to absorb large-scale Uber-style discovery
11 obligations without disproportionate costs and disruption,
12 and we would just request that the ESI protocol be taken
13 into consideration to calibrate to Lyft's actual size and
14 resources, rather than importing wholesale from litigation
15 against a large -- a much larger competitor.

16 THE COURT: Okay. So considering those points
17 that you made, one point that Lyft made with respect to ESI
18 is that you don't plan to use -- at least as of the last
19 briefing and court appearance, Lyft hadn't decided to use
20 TAR, Technology Assisted Review, or AI in the discovery,
21 review, and collection and production process. Is that
22 still Lyft's approach?

23 MR. WES: It's only insofar as nothing has
24 happened in terms of custodian identification, scope of
25 discovery, those sorts of matters since the last hearing.

1 We're still working through and need to work through, and
2 once I think the ESI protocol is issued, it will give us
3 sort of some of the tools to work through getting custodians
4 identified and datasets identified that can help us to
5 better make that evaluation. At the outset, we're not
6 planning to, but certainly based on what comes back from,
7 you know, those custodial sources and the datasets we're
8 dealing with, it's certainly something we would consider,
9 need to consider, and I know your Honor seemed inclined at
10 the last conference to have, at least in the protocol, some
11 kind of a fallback to, if we decided to use it, this is what
12 would apply.

13 THE COURT: Okay. Did Plaintiffs want to respond
14 to any of the points that Lyft has made?

15 MS. ELLIS: Yes, your Honor.

16 I heard that Lyft is a \$5.9 billion company, and
17 whether Uber is larger, Lyft is still a multibillion-dollar,
18 multinational global company that has tremendous resources,
19 tremendous ability to track data, and has been part of a
20 "rideshare industry" that has transformed our -- the way our
21 world operates. And while we appreciate that they are not
22 as big as Uber may be, any claims of burden because of the
23 relative size of their company are not compelling to us.

24 THE COURT: Okay. All right. I think fair points
25 on both sides. So -- okay. I will keep working on this,

1 and thanks for your appearance today. You'll see the
2 minutes issued, just memorializing the different deadlines
3 that I set.

4 MS. LUHANA: Your Honor, we just -- I just have a
5 quick question regarding -- Roopal Luhana for the
6 Plaintiffs. Quick question on PTO 18. You had set a page
7 limit for the exhibits that we're submitting, and you had
8 set 10 pages, and so is that 10 pages per each side for
9 exhibits?

10 THE COURT: I was just thinking 10 pages total, so
11 if you --

12 MS. LUHANA: Okay.

13 THE COURT: -- split that, it's five pages each
14 side. I think part of the reason why I set that limit was
15 because in Uber, these discovery disputes are accompanied by
16 voluminous records, which seems, like, inconsistent with the
17 point of the sort of stripped down, streamlined joint
18 discovery letter process. And so it's a lot to wade
19 through. When we have our discovery status reports, as
20 there are disputes that are percolating and you anticipate
21 filing a letter, you could give me the heads up if you think
22 that you need more pages. But I just think that -- I really
23 hope that we don't see the level of, like, contentiousness
24 and the number of disputes that we saw in Uber in this
25 particular MDL. But to help minimize the amount of work and

1 time that people spend on these discovery disputes, I set
2 that cap, and also to conserve the Court's time and
3 resources.

4 I did overlook setting our next discovery status
5 conference, but I was planning to hold that on August 25th
6 at 2:30 in the afternoon. It's a Tuesday, the day before
7 your next CMC with Judge Lin. Okay.

8 THE CLERK: And you said 2:30, your Honor?

9 THE COURT: Oh, 1:30.

10 THE CLERK: 1:30? Okay.

11 THE COURT: Yeah.

12 THE CLERK: Just wanted to make sure, clarify.

13 Thank you.

14 THE COURT: And so that should be helpful for the
15 folks on the East Coast.

16 MS. LUHANA: Thank you, your Honor.

17 MS. ELLIS: Thank you, your Honor.

18 MR. RISKIN: Thank you, your Honor.

19 MS. ABRAMS: Thank you, your Honor.

20 THE COURT: Okay. All right. Thank you,
21 everyone.

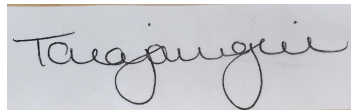
22 THE CLERK: Court is now adjourned.

23 (Proceedings adjourned at 3:59 p.m.)
24
25

CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

A rectangular box containing a handwritten signature in cursive script, which appears to read "Teagunee".

Echo Reporting, Inc., Transcriber

Thursday, July 16, 2026