

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Lisa J. Cisneros, Magistrate Judge

IN RE: LYFT, INC. PASSENGER)
SEXUAL ASSAULT LITIGATION)
) MDL NO. 3:26-MD-03171 RFL (LJC)
)
_____)

San Francisco, California
Tuesday, June 23, 2026

TRANSCRIPT OF PROCEEDINGS

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Tuesday - June 23, 2026

9:17 a.m.

P R O C E E D I N G S

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THE COURTROOM DEPUTY: Good morning, everyone. We are calling 26-MD-03171-RFL. This is the In Re Lyft, Inc. Passenger Sexual Assault Litigation.

Counsels will approach the podiums and state their appearances for the record, beginning with plaintiffs.

MS. ABRAMS: Good morning, Your Honor. Rachel Abrams for the plaintiffs.

THE COURT: Okay. Good morning.

I think we have plaintiffs on that side. Thanks.

MS. ELLIS: Good morning, Your Honor. Nice to see you in person. Tiffany Ellis for the plaintiffs.

THE COURT: Okay. Good morning.

MS. CHARONKO: Good morning, Your Honor. Katherine Charonko for the plaintiffs.

THE COURT: Okay. Good morning.

MS. KO: Good morning, Your Honor. Sandra Ko on behalf of Lyft.

THE COURT: Okay. Hello.

MR. WES: Good morning, Your Honor. Josh Wes on behalf of Lyft.

THE COURT: Okay. Good morning.

MR. RISKIN: Good morning, Your Honor. David Riskin

1 on behalf of Lyft.

2 **THE COURT:** Okay. Hello.

3 **MR. RISKIN:** Good seeing you.

4 **THE COURT:** Good morning.

5 **MS. RICHER:** Good morning, Your Honor. Kristen Richer
6 on behalf of Lyft.

7 **THE COURT:** Good morning.

8 All right. Thank you, everyone, for coming in in person.
9 I believe Judge Lin had scheduled this in person, and I think,
10 just to get started, I was happy to proceed in person. Going
11 forward, for future discovery status conferences, I'm open to
12 having them on Zoom, though from time to time it may be better
13 to have it in person, or I may, if you all are having trouble
14 resolving certain issues, order you to appear and meet and
15 confer in person on an as-needed basis.

16 So I want to start by discussing some high-level issues,
17 questions that I have regarding this MDL, especially in
18 comparison to the pending JCCP and in comparison to the
19 Uber MDL.

20 And I read the case management statement that you-all
21 filed for your upcoming CMC with Judge Lin and noted that
22 there's 60 cases in the Lyft MDL at this point, 2,000 in the
23 Lyft JCCP. So right now, the Lyft MDL looks pretty different
24 from the Uber MDL, which I'm pretty familiar with.

25 So anyways, I want to start by going through those

1 high-level issues, and then we'll go through -- just so I have
2 a sense of the scope of this case and how it might evolve, and
3 then we'll go through the particular substantive disputes that
4 you-all have briefed and, where possible, I'll give you --
5 explain what my ruling will be and where we'll need some
6 follow-up.

7 Okay. So right now, what do plaintiffs anticipate in
8 terms of the size of this Lyft MDL? Are there a similar set of
9 circumstances in this MDL as we had in Uber, where a number of
10 cases in the Uber JCCP were dismissed and then refiled in the
11 Uber MDL? So now you've got over three -- and then you have
12 tons of new cases that are being filed on a continuous basis.
13 So --

14 **MS. ABRAMS:** Yes.

15 **THE COURT:** -- that MDL is quite large.

16 Here, the JCCP has been pending for six years.

17 **MS. ABRAMS:** Yeah.

18 **THE COURT:** So it seems like if there were going to be
19 a bunch of cases dismissed on *forum non conveniens* grounds,
20 that would have happened already.

21 On the other hand, do you expect a lot of Lyft cases
22 nationally to start to be filed in this MDL?

23 So I think that bears on this question of -- issue of
24 proportionality. And we might not have full clarity at this
25 point, but it would just help me understand how you see this

1 playing out.

2 I'd like to hear that from you, Ms. Abrams, as well as
3 from Lyft.

4 **MS. ABRAMS:** Yes. Thank you, Your Honor. Rachel
5 Abrams for the plaintiffs.

6 As you pointed out, this litigation has started in the
7 JCCP in 2019, and a number of cases have been filed there.

8 There was a motion to dismiss based on *forum*
9 *non conveniens* grounds before Judge Chang years ago, and that
10 was denied. So all of the cases, whether they were based in
11 California, residents or injuries that happened in California,
12 all stayed in the JCCP, as opposed to the Uber JCCP where
13 Judge Schulman later granted the motion to dismiss based on
14 *forum non conveniens* grounds, which thereby had an influx of
15 filings into the newly formed MDL at that time.

16 So that is the difference right now with regards to the
17 number of cases that came initially with the MDL filing. That
18 isn't to say that we don't believe that there will be more
19 cases filed. I do know in just the plaintiffs' leadership
20 committee alone, there are numerous cases that are going to be
21 filed. I do believe it started off a little slow right now,
22 but I think it was mostly people looking and seeing what the
23 initial orders that were going to come down, but there are a
24 lot of cases that will be filed in the MDL as well.

25 **THE COURT:** Have there been any bellwethers in the

1 JCCP? I'm sorry. This is like a fundamental question.

2 **MS. ABRAMS:** There are, I mean, various times. Now
3 Judge Ross has taken over the litigation, and so there's been
4 various cases that have been set for bellwether trials in the
5 JCCP in Lyft, and then there have been settlements, and then
6 there was an 18-month stay of that litigation while settlements
7 were, you know, supposedly to happen, and then things started
8 up again.

9 And now we have -- I think the third bellwether trial
10 schedule is now in September. So there is going to be a trial
11 in the JCCP in September this year.

12 **THE COURT:** There were two bellwether trials already
13 conducted?

14 **MS. ABRAMS:** That have already -- that went away.

15 **THE COURT:** Were they settled before --

16 **MS. ABRAMS:** Yes.

17 **THE COURT:** -- they went to --

18 **MS. ABRAMS:** Yes.

19 **THE COURT:** -- jury?

20 **MS. ABRAMS:** Yes.

21 **THE COURT:** Okay.

22 **MS. ABRAMS:** And so now there is a group of ten --

23 **THE COURT:** You've never had a bellwether trial on --

24 **MS. ABRAMS:** There has not been a bellwether trial.

25 Just -- almost; on the eve.

1 But there is a group of ten bellwether selected cases
2 right now being worked up for trial, and in July, Judge Ross
3 will be selecting one case that will go to trial in September.

4 **THE COURT:** Okay. So you might have a September
5 bellwether in the JCCP?

6 **MS. ABRAMS:** We will have a September trial.
7 Plaintiffs' position is that we will have a bellwether trial in
8 September.

9 **THE COURT:** Okay.

10 **MR. RISKIN:** Good morning, Your Honor.

11 **THE COURT:** Yeah. Tell me what your view is.

12 **MR. RISKIN:** Well, I think at least on this, we are in
13 agreement with the plaintiffs. I think the summary that
14 Ms. Abrams provided was generally correct.

15 I think one additional fact that might be of interest to
16 the Court is that notwithstanding the MDL starting up at the
17 beginning of this year, plaintiffs' leadership, as well as
18 other plaintiffs who represent individuals who allege incidents
19 outside of California and, therefore, presumably could file in
20 federal court and bring it into this MDL, continue to bring
21 cases in the JCCP. So that proceeding as well continues to
22 increase in size, even as the plaintiffs have just represented
23 that they intend to bring more cases in the MDL. And
24 certainly, we don't have insight into what the decision-making
25 is as to why they would file in state court versus federal

1 court.

2 But, of course, as Ms. Abrams indicated, in the JCCP,
3 there have been multiple rounds of bellwethers. There are
4 currently ten cases that are available for selection in
5 September, but beyond that, there are another two tranches of
6 bellwethers that the parties are working up at various levels.
7 The Court has set a structured approach. And so there are, in
8 the JCCP, a substantial number of cases that are being
9 developed for trial settings, and we have not only a trial
10 setting in September, but one in February and one in July.

11 **THE COURT:** Mm-hmm. Okay. All right. So I don't
12 feel necessarily bound by how discovery was handled in the
13 JCCP, but I also wouldn't presume -- I don't presume that the
14 approaches that I use for discovery in the Uber MDL will
15 necessarily make sense.

16 The Uber MDL started out relatively small, and then it
17 just became voluminous, given how the *forum non conveniens*
18 issue was resolved there. So I think that that's something
19 that's going to be part of my thinking and evaluation as we go
20 forward and handle discovery here.

21 So I think that in terms of the ESI protocol for
22 plaintiff-specific discovery, I had questions about that.
23 There's -- what we're dealing with right now, my understanding
24 is the focus is common corporate discovery for Lyft. And there
25 is the January 2027 substantial completion deadline that

1 Judge Lin set.

2 And that's for common discovery; correct? That's not --

3 **MS. ELLIS:** (Nods head.)

4 **THE COURT:** And is there a cutoff for case-specific
5 discovery? How is that structured at this point?

6 **MR. RISKIN:** There is a schedule for case-specific
7 discovery.

8 And if I may just take a step back.

9 **THE COURT:** Sure, yeah.

10 **MR. RISKIN:** The common cutoff or substantial
11 completion deadline in January is as Your Honor indicated for
12 corporate discovery.

13 After that, there will be a selection of bellwethers in
14 the MDL, at which point there will be motions practice relating
15 to those individual plaintiffs' motions to dismiss, as well as
16 individual plaintiff-specific discovery in those cases --

17 **THE COURT:** Okay.

18 **MR. RISKIN:** -- all in advance of a selection of a
19 trial case.

20 **THE COURT:** Yeah. And the fact sheets, the plaintiff
21 fact sheets have been proposed, and that hasn't been resolved
22 yet. Because one of the multiple issues that have been raised
23 is this reciprocity question and what's appropriate in terms of
24 plaintiff-specific discovery and how that should play out.

25 And to me, I don't -- I'm not detecting, like, an urgency

1 to resolve all of those issues relative to the urgency that we
2 have with respect to the corporate common discovery. On the
3 other hand, some of the principles and some of the negotiations
4 and trade-offs that happen with -- that are inherent in
5 discovery, it might be beneficial for you-all to, like, talk
6 about that and maybe -- I don't know. You can either handle it
7 in a siloed way, or maybe it makes sense to deal with it all
8 together. But I don't want to end up creating -- having a lot
9 of delay in terms of getting the ESI protocol worked out for
10 purposes of common corporate discovery.

11 So I worry a bit if we also have to resolve every granular
12 detail with respect to the plaintiff-specific discovery, and I
13 don't even know what the fact sheet is at this -- at this
14 point, then I'm hesitant to have this be an omnibus thing.

15 But I think as a practical matter, I'm here to handle
16 discovery, and that road map needs to be clear for all of the
17 individual plaintiffs who file on this MDL, just as it needs to
18 be clear for Lyft.

19 So --

20 **MS. ELLIS:** Your Honor, can I just address that
21 quickly?

22 **THE COURT:** Go ahead. Yeah.

23 **MS. ELLIS:** Tiffany Ellis for the plaintiffs.

24 I appreciate your comments that this is not the Uber MDL
25 and this is not the Lyft JCCP. However, counsel has been

1 involved intimately in both of those litigations, and
2 everything that we have presented to Lyft and to the Court is
3 informed by our knowledge of what has happened in the JCCP and
4 lessons that we have learned in the last three years of
5 litigation altogether in Uber. And we're trying to avoid some
6 of the problems that we encountered there. We believe we've
7 presented some reasonable approaches.

8 On the specific -- and we'll get into those, I'm sure, in
9 a moment.

10 On the specific point regarding the applicability to
11 plaintiffs, we are absolutely willing to enter an ESI protocol
12 for plaintiffs. It's just inherently different. Plaintiffs,
13 as a group, cannot respond to an ESI checklist. You know,
14 we -- and that's sort of the position that they were trying to
15 ask us to be in.

16 We are willing to engage in those conversations as part of
17 the PFS and certainly as part of bellwether discovery, but the
18 urgency, as you identified, is different.

19 The corporate discovery that we intend and believe is
20 relevant and necessary for us in this litigation is informed by
21 what we believe are some fundamental challenges and
22 shortcomings in what happened in the JCCP; and that is why we
23 have presented this ESI protocol with such urgency and that it
24 is of such a robust nature, in an attempt to try to correct
25 some of those things at the outset immediately to avoid future

1 disputes as we work our way through common discovery.

2 **THE COURT:** Okay.

3 **MR. RISKIN:** Your Honor, if I may just make a few
4 comments.

5 I want to defer to my colleagues who have been involved in
6 the negotiations.

7 But with regard to the plaintiffs' obligations -- and we
8 certainly -- and I think we reflected this in our submission --
9 we don't believe that the ESI protocol should apply one-to-one
10 to plaintiffs; and if they are differently situated, they are
11 going to have different architecture systems, information, so
12 forth.

13 I think what Lyft has been looking for is some basic
14 disclosures at the outset to understand the scope of the types
15 of information that the plaintiffs possess, the preservation
16 that they've engaged in, similar to what the plaintiffs have
17 requested from Lyft.

18 And certainly, although we would -- we certainly advocate
19 in the first instance for reducing that to a protocol, we
20 understand the Court's comments that the mechanics of
21 production can wait until case-specific discovery or at least
22 wait down the road until we've resolved this.

23 I think there's some basic information, though, as we're
24 going through the fact sheet, that would be useful for Lyft to
25 have just to understand, as a general matter, the scope and

1 information sources that the plaintiffs are pulling from,
2 including for the fact sheets.

3 So I think maybe there's a hybrid approach where we get
4 some information of the nature of the checklist.

5 **THE COURT:** Yeah. Well, yeah, I can consider that,
6 certainly; but I think what I want to do is get an ESI protocol
7 locked in for common discovery really no later than early July.
8 And so, as many -- and it may be that I issue an order within
9 the next week that resolves several of the issues, and we have
10 a little bit of follow-up and I resolve those remaining issues
11 so that you have an ESI protocol that at least addresses common
12 corporate discovery by July as early as possible.

13 And then -- and then we could get the necessary -- we'll
14 see what happens with the plaintiff-specific fact sheets, what
15 those issues look like, and I could order some preliminary
16 disclosures in broad strokes. Because some of this is not
17 going to be surprising. Individual plaintiffs will have social
18 media accounts. They'll have text messages that they send with
19 friends and families, therapists. And some of this might
20 already be addressed in the fact sheets to some degree.

21 But anyhow, it's going to be different; but in broad
22 strokes, I think there is some explanation of what can be
23 anticipated.

24 And I think plaintiffs, when they sign up for these cases,
25 should understand and be notified: Okay, this is the type of

1 information that you're going to be -- is going to be potential
2 information that needs to be -- that may be relevant and,
3 therefore, needs to be preserved.

4 And so it may be a process that helps all of the
5 plaintiffs' counsel that are representing these individuals
6 give their clients clear notice of what this process is going
7 to entail.

8 So --

9 **MS. ELLIS:** Your Honor, if I may address that briefly.

10 To date, the plaintiffs' leadership has directed all
11 counsel that filed cases in this MDL to send the preservation
12 order along with the letter that we provided. I can represent
13 for my firm that that has been done. And as clients sign
14 retainers and their cases are filed, they are receiving those
15 obligations that have been ordered by this Court.

16 **THE COURT:** Okay.

17 **MS. ELLIS:** We do have concerns -- we are absolutely
18 open to the discussion about including some of these sorts of
19 things in a PFS discussion; but I want to just be wary of not
20 going too far that it becomes more like a full discovery workup
21 at a very early stage for these survivor plaintiffs. There
22 could be a very chilling effect that we have to think about.
23 It's a more delicate conversation. And so I just want to urge
24 that when we have it, we take the time to appreciate those
25 intimacies.

1 **THE COURT:** Sure. Okay. I understand.

2 And I think that that protocol, what shape that takes, it
3 could unfold August and over the fall because, really, we have
4 a January 2027 substantial completion deadline. So we need to
5 get all of our ducks in order and the protocol established so
6 that we can hit that deadline in a meaningful way.

7 **MS. ELLIS:** Your Honor, if I just --

8 **MS. KO:** Your Honor --

9 **MS. ELLIS:** -- may add one thing about the PFS, just
10 to put a pin in this?

11 I've just been reminded by Ms. Abrams that the parties
12 have actually agreed to the PFS and submitted it to Judge Lin,
13 and it's just --

14 **THE COURT:** Okay.

15 **MS. ELLIS:** -- awaiting approval.

16 **THE COURT:** I understand that it was submitted to
17 Judge Lin. I wasn't aware whether or not there's any
18 particular disagreements. Okay. So --

19 **MS. ELLIS:** It discusses sources such as social media
20 accounts. It allows the provision of the handles of those
21 accounts.

22 **THE COURT:** Okay.

23 **MS. ELLIS:** It already accounts for the things that
24 Mr. Riskin referred to.

25 **MS. KO:** And, Your Honor, Sandra Ko.

1 **THE COURT:** Thank you.

2 **MS. KO:** That's the point that I came to the podium to
3 address.

4 **THE COURT:** Okay.

5 **MS. KO:** The PFS is now agreed to and it's with
6 Judge Lin to --

7 **THE COURT:** Okay. I didn't look at the particulars of
8 the filing, whether or not there were certain parts of the PFS
9 that were disputed and she was going to have to resolve.

10 **MS. KO:** Yes, understood.

11 I think with the PFS being imminently entered, responses
12 by certain plaintiffs to the PFS, they're going to start being
13 due in 30 days, and so I think -- we understand Your Honor's
14 kind of inclination to deal with the corporate discovery-side
15 ESI protocol first, but I don't think that it's going to be
16 such that we can wait much longer before we address the form of
17 production for the plaintiffs' documents that are going to get
18 produced in response to the PFS.

19 As you mentioned, Your Honor, there is going to be some
20 relevant information that comes from ESI sources like social
21 media, text messages, emails --

22 **THE COURT:** Sure.

23 **MS. KO:** -- and the like.

24 And there is an issue that I just wanted to flag,
25 Your Honor, that already we're starting to get some ride

1 receipts in, in formats --

2 **THE COURT:** Oh, yeah. I read about that in --

3 **MS. KO:** Yeah.

4 **THE COURT:** Let's -- I mean, that's in front of
5 Judge Lin. So --

6 **MS. KO:** Yes.

7 **THE COURT:** -- let's move on --

8 **MS. KO:** Sure.

9 **THE COURT:** -- into the more substantive disputes that
10 are specific to the corporate discovery and the ESI protocol.

11 So there's concern on the part of plaintiffs that Lyft has
12 not disclosed certain information about its custodians. And so
13 there's this paragraph 7. It's custodial and non-custodial
14 data sources, according to -- according to plaintiffs, has not
15 been fully disclosed. So plaintiffs have in their proposed ESI
16 protocol a paragraph Number 7 that attempts to address this
17 issue.

18 And I understand, in the parties' briefing, Lyft feels
19 that the ESI protocol that plaintiffs are proposing is beyond
20 the scope of what an ESI protocol is supposed to include; and
21 plaintiffs' view is that this is necessary, given the
22 experience as far as what happened with the Uber MDL, and so
23 it's necessary to be very granular.

24 I don't -- I just want this ESI protocol to be useful in
25 terms of getting us across the finish line of substantial

1 completion of document production, which is ESI essentially,
2 and that we complete the corporate discovery that's necessary
3 in this case.

4 So I don't have any, like, pre-fixed notion of precisely
5 what's supposed to be included or not and what must be excluded
6 from an ESI protocol, but it's got to be sufficiently detailed
7 that there are clear parameters for what needs to be done and
8 there's not -- we're not having constant fights that have to be
9 dealt with in the meet and confer processes and then teed up
10 for me where they're not resolved.

11 So --

12 **MS. ELLIS:** Your Honor, may I just address that
13 briefly?

14 **THE COURT:** Sure.

15 **MS. ELLIS:** As a general matter, that's exactly our
16 concern as well and why we have been so granular. And this,
17 again, is informed by the Uber MDL and what we know from,
18 you know, our involvement in the JCCP litigation.

19 To date, we believe that this process has been marked by
20 delays. We first provided metadata fields. And I just want
21 to --

22 **THE COURT:** Yeah.

23 **MS. ELLIS:** Before I get into that, there are still
24 outstanding questions that we have. And what we've tried to
25 present in this protocol is a road map with guardrails that

1 allows us to have these conversations in a way that is
2 enforceable by the Court. And I just want to provide one
3 example of why we think that's important.

4 The metadata fields that we asked them to look into on
5 April 24th, when we presented our draft protocol for the first
6 time, we just yesterday got an answer to whether some of those
7 exist or not, and that was only because there was a court order
8 requiring them to do so. And it was not even provided, despite
9 our asking, to us before it was filed with the Court.

10 And so we are concerned that if there are not sufficient
11 details requiring what will happen or need to happen or need to
12 be conferred about, that we will need to come back to you time
13 and time and time again, which is not efficient for anyone.

14 **THE COURT:** I understand. And we've looked at this
15 issue. And what I'm going to do here with respect to the
16 disclosures, because I also found that supplemental filing
17 yesterday to be helpful to understand exactly: Okay. Wait.
18 What is being disputed here and how can we get to the bottom of
19 this and resolve it in a fair way?

20 So we need that clarity here. And so by Thursday, I'd
21 like Lyft to make a supplemental filing where Lyft specifies
22 what information in paragraph 7 of plaintiffs' proposal has
23 been disclosed, what information has not been disclosed; and
24 for that information that hasn't been disclosed but perhaps
25 Lyft intends to disclose it by a date certain, you can specify

1 that as well.

2 **MS. ELLIS:** Your Honor --

3 **MS. KO:** Your Honor, may I be heard, please?

4 I'd like to address and kind of just take a step back as
5 well.

6 We obviously take a little bit of a different view on,
7 you know, our transparency and our cooperation. We feel like
8 we've been very cooperative and transparent. We've been
9 working really hard with the plaintiffs. You know, over the
10 last 40 days, we had six conference calls, spanned two hours
11 each.

12 **THE COURT:** Yeah, I saw the chart --

13 **MS. KO:** We made 12 --

14 **THE COURT:** -- in your brief.

15 (Simultaneous speaking.)

16 (Official Reporter interrupts to clarify the record.)

17 **MS. KO:** We made 12, you know, iterative disclosures
18 as well. And so we've been trying. We've been providing a lot
19 of information to the plaintiffs.

20 Our view is that the ESI protocol is here very substantive
21 and meaty, and we're trying to fulfill that desire that
22 Judge Lin shared with us that you and she have. We worked from
23 plaintiffs' version. And I think that the issues now that we
24 have are very narrow and that we're very cooperative.

25 I did want to address that metadata point just because --

1 **THE COURT:** Yeah, we'll get to that later.

2 **MS. KO:** Okay.

3 **THE COURT:** But I just want clarity about the
4 custodial and non-custodial sources of ESI. I mean, it's --

5 **MS. ELLIS:** Your Honor, if I may just ask for a couple
6 of just specifics to give some light to what I hope their
7 disclosure, what they will file with the Court has, because we
8 do have a dispute as to whether they've disclosed these things.

9 **THE COURT:** Right. And I was going to give -- if
10 people will let me finish --

11 **MS. ELLIS:** Okay. I'm sorry.

12 **THE COURT:** -- I would want Lyft to provide a chart,
13 kind of like what was done with the metadata but with respect
14 to the custodial and non-custodial sources of information; lay
15 out what they think some particular element of it, it's been
16 disclosed or not disclosed; it will be disclosed by a date
17 certain.

18 And then plaintiffs could respond like, "They say they've
19 disclosed it, but that's not actually the reality of it."

20 But that will just -- I didn't feel like the briefing was
21 clear enough in terms of exactly what -- I understand what you
22 wanted in the ESI protocol, but --

23 **MS. ELLIS:** Your Honor --

24 **THE COURT:** -- let's -- we could just expedite this
25 process by dealing with it now and getting those disclosures

1 done.

2 **MS. ELLIS:** In an attempt to avoid filing a
3 significant amount of things under seal, we did not provide the
4 disclosures to the Court that they've given to us already. I
5 do have those, if you would like to review them today, that
6 might be informative to the Court.

7 And I have one in my hand. This is a description of
8 systems in which potentially discoverable information is
9 stored. I'm cognizant of the point -- or the fact that we are
10 on the record and they've designated some of this as
11 confidential, and so I'm not going to go into, you know,
12 specific details that I think would violate that.

13 But when -- the issue with these disclosures is that they
14 say, quote [as read]:

15 "The systems which host user-specific data for
16 both drivers and riders, including route breakdown,
17 driver ID, rider ID, trip ID, and GPS data; the
18 systems which host calls and voice mails; the systems
19 which host user data; and the system which hosts law
20 enforcement subpoenas."

21 While that's certainly a disclosure that there is a
22 system, what is the name of that system? Where is it kept?
23 What is the preservation policy of that system? When did that
24 go into effect? How -- has that been -- has that specific data
25 source been collected or produced in the JCCP?

1 The level of detail and the disclosures that Lyft has
2 provided to date, quite frankly, is broad, vague, confusing;
3 and it's -- we are now two and a half months in where we have
4 been asking the same specific questions again and again and
5 again; and unless they have explicit instruction from
6 the Court, they are not providing the disclosures that we need
7 to move this conversation forward.

8 **MS. KO:** Your Honor, on that point, I think what
9 Your Honor proposed is actually a very practical solution to
10 address that, because what Ms. Ellis just read from was a
11 response to the ESI checklist that we provided on May 20th.
12 Subsequent to that, we had, I think, probably like six phone
13 calls, and then we also made a disclosure on June 3rd and then
14 again on June 10th that answers those questions and gets into
15 the level of specificity, into source names and time periods
16 and the like.

17 **THE COURT:** Yeah. So that's why --

18 **MS. KO:** So, exactly. I think what Your Honor is
19 asking for, just to tie it all together, we're happy to do
20 that.

21 **MS. ELLIS:** And I have those later -- I have those
22 later disclosures in front of me as well, Your Honor.

23 **THE COURT:** Okay. Go ahead.

24 **MS. ELLIS:** And here, they describe certain systems
25 [as read]:

1 "It does not include other systems that we are
2 aware exist and contain relevant responsive data
3 because of what has happened in the JCCP."

4 The information that it describes as "no longer reasonably
5 accessible" is basically, again, broad: backup systems,
6 disaster recovery repositories, data specific to drivers, user
7 data, including these broad descriptions.

8 All of it, it is certainly a disclosure, but it is just
9 saying with some little bit more level of granularity. They're
10 not telling us anything more in these three rounds of briefing
11 and disclosures that we've been through that I didn't know
12 walking into our very first meet and confer in the first week
13 of April and I asked them specific questions about.

14 And that is the problem that we're having right now, is
15 that we're concerned that these vague disclosures that don't
16 get to the actual sources until they're required to do so is
17 going to continue to delay the process.

18 **THE COURT:** Why is it so difficult to be more
19 specific?

20 **MS. KO:** Your Honor, I can address that, and I've
21 shared that with --

22 **THE COURT:** Go ahead.

23 **MS. KO:** -- counsel on numerous phone calls.

24 Some of this information is not housed in a -- what
25 they've been asking for as a data -- what is the name of the

1 data table? Some of them don't have names. Some of these
2 systems don't have names.

3 And so what we've agreed to with the plaintiffs, though,
4 is to come up with a process where we're going to come up with
5 names and descriptions so that we, when we confer, we know what
6 each other is talking about. But otherwise, it is information
7 that is housed in systems that don't come with their own names
8 and whatnot. So as of right now, for some of this information,
9 we can't get any more specific because it ties into a front-end
10 system that then pulls things together.

11 And so I think we're just kind of talking past each other
12 a little bit. We're disclosing what information is there, but
13 they're asking for system names and they don't -- some of them
14 just don't have names.

15 **THE COURT:** Is there like -- I mean, in the Uber MDL,
16 we have, like, Jira, we have Bliss.

17 **MS. KO:** For some of it, some of it.

18 **THE COURT:** So does Lyft --

19 **MS. KO:** And then that has been provided --

20 (Simultaneous speaking.)

21 (Official Reporter interrupts to clarify the record.)

22 **THE COURT:** Does Lyft use Jira or Bliss or something
23 similar? Is that the source of confusion? Maybe that's clear
24 enough.

25 **MS. ELLIS:** I'll give you one example, Your Honor.

1 And I think you're well familiar with the supply plan issue
2 that we've dealt with in another litigation.

3 Just Thursday, this is a specific question that we had
4 been asking for quite a period of time as an exemplar of the
5 granularity that we're looking for: Does Lyft store the other
6 drivers that might have been sent to any particular rider any
7 particular time? We've been asking that question for probably
8 about a month now.

9 We did finally get an answer that they do store it, and
10 they store it for approximately three years. It's referred to
11 not as "Supply Plans" but "Match Options."

12 And we asked in response: What is that data table called?
13 When is it that this, like, three-year storage policy went into
14 effect for it? What triggers it? When did it start triggering
15 it? And what information does this feed into?

16 Another example is that we asked for specifically where
17 the information is stored and tabulated that underlies their
18 transparency reports, two of which have been released to the
19 public. The response we received was in Google Drive.

20 And I find it hard to believe that the data reports that
21 they publish to the public and, you know, rely upon in public
22 filings are not tabulated in some other sort of system that
23 looks at rates at which they happen, looks at rates of time at
24 which these sorts of assaults happen.

25 All of the things that we've learned in the last

1 three years from rideshare sexual assault litigation, these are
2 the specific questions we are seeking answers to, and they have
3 been unable to provide the answers to date.

4 **MS. KO:** I think, Your Honor, it's a little different.
5 I think where we have answers and we're able to provide them,
6 we have been.

7 Where it becomes a little bit disproportionate at this
8 stage, when we're trying to work out an ESI protocol, I think
9 that we have suggested that that is more appropriate for
10 discovery. Rather than doing discovery on discovery with the
11 hopes of getting to an ESI protocol, we'd like to focus on
12 getting an ESI protocol in place and not, you know, get bogged
13 down on a system name that prevents us from getting a framework
14 on what's going to govern our ESI protocol.

15 So, but --

16 **THE COURT:** Well, it's like, I mean, we have some
17 practical challenges here because an ESI protocol could
18 legitimately and very helpfully identify: Okay. These are the
19 sources of non-custodial data that are going to be the focus of
20 discovery in this MDL.

21 And it sounds like you're saying those sources don't have
22 names.

23 **MS. KO:** Well, some of them --

24 **THE COURT:** And so they're unnamed. And so now, then
25 we have this practical problem of how do you articulate that in

1 an ESI protocol if we're having to go through this whole
2 process of figuring out what's this unnamed thing that exists
3 somewhere within Lyft. So, you know what I mean? It ends
4 up --

5 **MS. KO:** Yes.

6 **THE COURT:** -- being this weird semantic --

7 **MS. KO:** But we do have -- we had been trying to work
8 out a solution with it where we're going to come up with a way
9 to identify these sources, but a lot of --

10 **THE COURT:** Yeah. And my view of this and my order is
11 going to be, make a filing to me, if you've got to put it under
12 seal, in order for it to be as clear and direct as to what that
13 source is. And "system" is too generic of a label to provide
14 it. I mean, these are proprietary systems that you probably,
15 like, buy licenses for.

16 And in the old days of servers, there were folders and
17 directories and things of that nature, and perhaps the
18 architecture is a little bit different, but we're human beings
19 that use language to communicate, and so there's got to be some
20 descriptor, label, name, what have you, that gives us an
21 understanding that we can incorporate into the ESI protocol so
22 we can have an ESI protocol.

23 **MS. KO:** No, understood. Your Honor, and just to go
24 back, we are not trying to prevent plaintiffs from learning
25 this information. You know, we do want to make sure that we

1 measure in burden and proportionality --

2 **THE COURT:** Sure.

3 **MS. KO:** -- and those factors.

4 But when plaintiffs raise very specific questions, we do
5 have to go research the answers in order to be able to respond.

6 **THE COURT:** But it can't take forever.

7 **MS. KO:** But -- and in our view, it's not. It's been
8 a reasonable amount of time. But we are working at it, and we
9 will continue to work at it.

10 **THE COURT:** Okay. Well --

11 **MS. ELLIS:** Your Honor, if I just may, and I don't
12 want to belabor the point.

13 On the 17th, we provided them an email with these very
14 specific things that we believe that we are still missing, both
15 for this ESI protocol as well as for the preservation dispute
16 that's due to this Court on the 30th.

17 They include the preservation policies of these various
18 systems, that two examples of which are the match options and
19 then, for lack of a better term, the safety data.

20 As far as the concept of coming up with a common way to
21 refer to things that counsel have created, that was proposed to
22 us on Thursday. We are open to it, but I remain concerned that
23 that may open a Pandora's box of losing things in
24 technicalities.

25 I'm concerned that if we don't get these answers now and

1 we push some of this stuff to discovery and we call them things
2 that they're not actually called in the regular course of
3 business, that when we issue requests to produce, very specific
4 requests to produce from these systems, there will be
5 objections that we've called it the wrong thing, or that maybe
6 we didn't ask for the right thing because that table that we
7 agreed upon as counsel together, without the knowledge of what
8 is actually happening in day-to-day Lyft world, isn't going to
9 actually mean anything to collect it.

10 So I appreciate --

11 **THE COURT:** So you're thinking just adopt the
12 paragraph 7 in the ESI protocol and --

13 **MS. ELLIS:** And that is what their obligation is then.

14 And then to the extent that they do not fulfill that
15 obligation and we learn that later in discovery, then we can
16 deal with it at that point. It's been two and a half months.
17 We've asked very specific questions.

18 **THE COURT:** And part of -- just to give by way of
19 example, in terms of safety data in the Uber MDL, we had these
20 raw incident tickets stored in Jira and Bliss. And there was
21 some complexity to understanding that data because some of
22 it -- there were multiple reports that related to one single
23 incident. So how do you dedupe the reports in a way that you
24 can identify the unique incidents? And so there's -- sure
25 enough, later in discovery, it became clear that there was

1 Flack data, a different kind of data that was deduped. And so
2 I don't want the same type of problem --

3 **MS. KO:** Understood.

4 **THE COURT:** -- in seven months or a year from now
5 where, surprise, like, there's this other source of data or
6 this other system in which Lyft has stored safety-related data
7 or incident data that somehow refined or validated, and
8 presented to executive leadership to understand the scope and
9 contours of this challenge, safety challenge, and have the
10 company respond in the way that it thinks is appropriate. So I
11 don't -- like, let's avoid that type of problem now by just
12 being transparent on -- which is what the directive is in the
13 ESI checklist.

14 But this is -- you've got your run-of-the-mill civil
15 cases, and then you've got more complicated litigation like
16 what we have in this MDL. So -- and you've got to do your
17 research as outside counsel to sort of understand what your
18 client's internal systems are. But we need to get to the
19 bottom of this, whether I force the issue and try to expedite
20 it through some order that I issue later today that gives you
21 by Thursday to disclose -- supplement the disclosures or simply
22 adopt paragraph 7 in the ESI protocol.

23 **MS. KO:** I think -- Your Honor, if I can address that
24 point.

25 **THE COURT:** Sure.

1 **MS. KO:** I think the concern that we would have with
2 adopting paragraph 7 wholesale is that largely, the proposal by
3 plaintiffs, where we haven't already agreed to the
4 modifications to make it more specific -- here in paragraph 7
5 is one area where we haven't been able to reach an agreement
6 yet -- that largely was pulled from a different litigation,
7 right, that doesn't -- and talking about data sources that are
8 not at play at Lyft.

9 And in that context, we don't think that we can, you know,
10 have plaintiffs' suggestion of just "Let's put paragraph 7 in
11 there so they know what they have to comply with." If we don't
12 have data sources that are the same as what was contemplated
13 when that ESI protocol was adopted in that other litigation,
14 then we won't be able to comply with it or it doesn't apply to
15 us. And so I think it's a little premature just to adopt
16 paragraph 7 as it is.

17 But I think what I'm hearing from Your Honor is that,
18 you know, you are willing to allow us to tell what the
19 custodial sources are and the non-custodial sources are, share
20 that with you, and we will do that.

21 I think earlier, at the top of the discussion, Your Honor
22 proposed maybe a week or so. I would just ask for a little bit
23 more time so that we could do our due diligence and our
24 research on that.

25 **MS. ELLIS:** Your Honor, if I just may address that.

1 Two things.

2 This -- the language from the ESI protocol, although it is
3 based on another litigation, allows for the specificity of this
4 case. It says "includes but not limited to."

5 I'm holding the transparency reports in my hand. Lyft
6 uses the same 21 taxonomy categories that we saw in the Uber
7 Passenger Sexual Assault Litigation. They include, in these
8 public disclosures, the number of reports and the,
9 quote/unquote, percent of completed U.S. trips that these
10 allegedly represent.

11 I have been asking very specifically for months now:
12 Where is the information that these numbers come from stored?
13 How is it compiled? Was it collected? Was it produced in the
14 JCCP? And how can that be done here?

15 I hope that counsel sitting here today has done their
16 research and has an answer to that, but they have not been able
17 to tell me so far.

18 And this is just one very specific example that I think is
19 critical to our -- this litigation, Your Honor.

20 **MS. KO:** And we've never said we wouldn't provide that
21 information, Your Honor. There's just been a lot of these
22 kinds of very specific questions that have been coming to us.
23 So we've been working on prioritizing filing deadlines, getting
24 information, getting the big picture and providing it to
25 plaintiffs' counsel. We've been working hard, Your Honor.

1 **THE COURT:** Okay. This is interesting to me, though.

2 In the JCCP, there was never a disclosure of the
3 underlying incident data --

4 **MS. KO:** I think I'd have to defer to --

5 **THE COURT:** -- or methodology --

6 **MS. KO:** -- Mr. Riskin on that --

7 **THE COURT:** -- backing --

8 (Simultaneous speaking.)

9 (Official Reporter interrupts to clarify the record.)

10 **MS. ELLIS:** My understanding, Your Honor, is that the
11 tickets were disclosed. I think that you'll recall from the
12 Uber litigation, we were sort of in that situation early on
13 where we got PDFs of Jira tickets, and that wasn't really
14 useful to plaintiffs to understand the true picture of what had
15 happened.

16 My understanding is that there's also been statistics,
17 PMQs or PMK state court depositions that happened in the state
18 court litigation. But, again, as we outline in our brief, the
19 way discovery was approached in the state court litigation was
20 very much in chunks over time using different search and
21 collection methodologies, and there was never anything that
22 looked at sort of what Lyft has done since it started sending
23 drivers to riders to look at this problem of sexual assault and
24 what it knew about this problem of sexual assault through the
25 data that it collects.

1 And that is the very issue that we are trying to get to
2 very early in this litigation to try to avoid those 11th hour
3 disputes that we are all too familiar with in this courtroom.

4 **MR. RISKIN:** Your Honor, if I may, just to address the
5 question of what's been produced in the JCCP.

6 We have responded to extensive discovery requests, as
7 Your Honor knows from the briefing. There have been 200,000
8 documents produced, as well as additional material. That
9 includes not only the data that's reflected in the community
10 safety report, but data of the reports by month in the various
11 categories.

12 And so the plaintiffs in that case do have the information
13 that Lyft has collected. They have it from 2017 going forward.
14 They do not have the data as reflected in the community safety
15 report at that level of granularity from prior to 2017, but
16 that information has been produced.

17 Beyond that, there was extensive discussion and production
18 of material, both in documentary form and through witnesses,
19 reflecting communications at the company from its inception
20 through the end of the production period there, which was
21 December of 2023, reflecting knowledge and response to reports
22 of sexual assault, and that includes information that was
23 shared with executive leadership via email.

24 As the Court no doubt has come to understand from the Uber
25 litigation, the way in which this information has been

1 collected and presented has changed over time as these
2 companies grow. They started from a small in-the-garage
3 program where the individuals who were running the company were
4 on every email -- and we produced those documents -- all the
5 way to present where we have and produced in the JCCP, again,
6 have reproduced in this litigation under Pretrial Order 6, the
7 data reflecting the information that's in the community safety
8 report.

9 Obviously, the community safety report discloses some, but
10 not all, of the categories. Lyft has now changed that policy.
11 But it discloses some, but not all, the categories in the JCCP.
12 And in here, we have produced all of the data underlying the
13 community safety report.

14 **MS. ELLIS:** Your Honor, if I may, I appreciate that
15 that is counsel's representation.

16 I am hopeful that I can get an answer to my specific
17 question that I have been asking for two months now: From what
18 non-custodial data source was that information, that has
19 allegedly been produced, was that pulled? When was it pulled?
20 Using what metrics? And will that -- does that need to be done
21 again?

22 Like, I just don't know. I hear him say that. I hear
23 him, but I don't -- I just want to know how it was done. And
24 if he can't -- if they have not done the research or nobody
25 knows, then we need to start over and have the conversation

1 from scratch. And that is what we're trying to do here.

2 **THE COURT:** Okay. All right. Now, let's move on
3 because there's a couple of issues that we -- more issues we
4 need to go through.

5 And very quickly, Ms. Ko, if you know, what's the number
6 of -- how big is Lyft's rideshare business in comparison to
7 Uber in terms of just the number of rides?

8 **MS. KO:** Oh, Your Honor, I'm --

9 **THE COURT:** It seems like just from being on the
10 street, everyone who drives for Uber also drives for Lyft. So
11 maybe it's the same number of --

12 **MS. KO:** I do know that it's quite smaller than Uber,
13 but I don't have a number off the top of my head. I don't know
14 if one of my co-counsel can provide you with a number. But it
15 is smaller.

16 **THE COURT:** Like, 30 percent? Lyft does 30 percent
17 the volume of Uber's rideshare business? Maybe it's changed
18 over the years.

19 **MS. KO:** I'd be happy to look into that, Your Honor,
20 and provide that for you. I don't know off the top of my head.
21 I do know that it is a materially smaller business.

22 **THE COURT:** I think at a future discovery status
23 conference, you can share that context.

24 **MS. KO:** Yes.

25 **THE COURT:** I mean, it's really kind of specific to

1 the United States that I'm interested.

2 But, okay. So now TAR and AI, Lyft's position is we don't
3 need to address TAR provisions in this ESI protocol because
4 Lyft doesn't know yet whether or not it's going to use TAR,
5 technology assisted review, or AI, yet.

6 So what does Lyft need to know in order to make that
7 determination? Because right now, we don't -- we haven't
8 finalized, like, the custodians, what the sources are going to
9 be so I could understand, well, we don't know how many
10 documents might be pulled or records. And so if it's a certain
11 amount, then maybe it can be done through human review.

12 I think plaintiffs are saying, even with the scope of what
13 the production was in the JCCP, 200,000 documents, it's not
14 possible for humans to review all of that information.

15 So anyways, but if we can lock down the scope of
16 production, the custodians, then maybe at that point you know
17 for certain whether or not -- it's not just are you going to
18 use TAR and AI, but, like, how and how expensive -- what are
19 all the bells and whistles associated with using those
20 technologies.

21 **MR. WES:** Yes, Your Honor. Josh Wes for Lyft.

22 I think, as you alluded to, we're needing to get some
23 discovery underway to determine that; right? We're going to
24 need to -- once we've identified the custodians that are going
25 to be relevant here, start pulling together documents, see what

1 that corpus is, we'll have a much better -- be in a much better
2 position to evaluate whether a technology like TAR, AI,
3 predictive-type tools would be necessary, given the volume of
4 what we get back.

5 At this stage, our intention would be to initially plan on
6 a manual review, which is -- which is what they did in the
7 JCCP, and then assess, as we get in the information from the
8 initial discovery that's done in the initial document pulls and
9 custodial information that's collected together, then do an
10 assessment whether a tool like that is necessary.

11 **MS. ELLIS:** Your Honor, if I may just address this
12 point briefly.

13 We tried to articulate this in our brief, but to me, this
14 goes back to my understanding of what happened in the JCCP.
15 They chose not to use TAR or AI. That is their choice. I
16 don't think -- maybe the Court can order them. I don't think
17 so, but perhaps.

18 And so they did a manual review, and it is my
19 understanding that they represented to the Court that the level
20 of responsive documents that were returned on the hit reports,
21 they were not capable of reviewing with that manual review
22 within the time frame set out by the scheduling order.

23 **THE COURT:** You covered that in the briefing.

24 **MS. ELLIS:** And so what we're trying -- my concern,
25 Your Honor, is that in three months, once they get the

1 discovery request, once we have a production, once they come
2 back to us -- we've negotiated the hit reports, the search
3 terms, the validation, all of that, they come back to us and
4 say the same thing and they say: Oh, we're going to do a
5 manual review, but that means we're not going to be able to
6 produce until November or December or -- you know, the January
7 date comes very quickly.

8 And what I'd like to do is expedite the resolution of any
9 potential disputes that are going to occur along the way. And
10 having a robust outline of the types of things that need to be
11 included in a TAR or AI discussion, I think, is vital at this
12 point. They may say it's preliminary, but if we're not talking
13 about it right now, we're going to be talking about it three or
14 four or six months from now, and we're going to be in a
15 position where we have major disputes about whether the
16 discovery that was collected and produced was sufficient and
17 whether or not it needs to go back and be redone.

18 **MR. WES:** Your Honor, if I may on the JCCP.

19 So it's not quite accurate that there was this scramble.
20 There were a lot of productions done in the JCCP. The initial
21 productions didn't have the time constraints that counsel's
22 referencing. There were later, once bellwethers and things
23 were being set and certain deadlines were being set,
24 supplemental production, supplemental -- supplemental document
25 collections, et cetera, that were done at a later point in time

1 that did have some time constraints; and those are, I think,
2 what are referenced in the briefing.

3 But it doesn't go to the initial -- the initial
4 productions that were done in the JCCP, to my understanding,
5 they were -- they were done with manual review, and they were
6 done in a way that they were able to comply with the deadlines
7 that the Court had set.

8 It was later on, as -- if we get, like, a bellwether trial
9 or something and there were a specific -- you know, a specific
10 date certain and specific additional categories of information
11 that were needing to be produced, that that became -- that that
12 became an issue.

13 On the broader concern, the broader concern about whether
14 we negotiate and put together an entire sort of hypothetical
15 protocol right now, not knowing enough information for whether
16 we actually need to utilize it, our concern is that we're
17 spending so much time talking about and hypothesizing about
18 what could come up, we would like to get into -- get past this
19 hurdle and get into discovery so we can start to actually
20 collect materials.

21 We just got their document requests, you know, a couple
22 of days ago, actual formal discovery requests, just received
23 those. If we can get going on analyzing those, starting to
24 pull together this information, and then assess what the corpus
25 is going to be, to see whether it's practical to proceed under

1 a manual review, which is what our plan is at this point, or if
2 we're going to need to bring in something like TAR or other
3 predictive-type technologies, we want to get that initial
4 discovery underway so that we can see what the actual corpus is
5 instead of just sort of speculating --

6 **THE COURT:** Well --

7 **MR. WES:** -- as to what it might be.

8 **THE COURT:** -- one approach that I thought about is
9 maybe I just say, if Lyft adopts -- decides to use TAR, this is
10 going to be the protocol for that; these are going -- this is
11 going to be the sort of parameters for what I expect Lyft to
12 disclose to plaintiffs in the way of validation, or whatever,
13 or just take something off the shelf, either from Uber or from
14 the social media MDL or some other MDL that's recent where
15 these issues and all of the technicalities were addressed.

16 I don't want to have to go through that litigation to
17 untangle all of the different technical elements associated
18 with TAR. And transparency is important. Judge Lin has spoken
19 to that. That's also a principle that I agree with and I think
20 is helpful.

21 And what's also crucial is that we don't get bogged
22 down -- and I worry a little bit about, like, if we kick the
23 can down the road with respect to the TAR elements and the
24 protocol, then we're creating a delay, and that could undermine
25 our ability to meaningfully comply with the January 2027

1 substantial completion deadline.

2 So why not I just take an approach that was used in one of
3 these MDLs, say: Okay, Lyft, it's your decision whether you're
4 going to do manual review or use this technology; but if you
5 use this technology, these are the parameters for that, these
6 are the ground rules.

7 And then -- and we also deal with, okay, the custodians
8 and the search terms and all this other so you understand the
9 corpus. And then you have all that information and we can just
10 kind of keep this moving.

11 **MR. WES:** Sure. And our concern is we're not those
12 companies, is the problem.

13 **THE COURT:** Oh, I understand.

14 **MR. WES:** Right. And so we're wanting to get sort of
15 the initial information. We're not saying this would be -- we
16 don't want to kick the can way down the road, but we would like
17 to get through sort of an initial identification of the
18 custodians and the data sources and the corpus we're talking
19 about here and then, right then, we can address it.

20 But this moment when we're sort of --

21 **THE COURT:** But that's the problem, is then it ends up
22 being, if you're saying, okay, well, the off-the-shelf
23 approaches don't work because we are not -- we don't have a
24 budget or we're not working with a budget such that -- and we
25 think it's disproportionate or what have you.

1 But I think the trade-off is you spend a lot of time
2 litigating -- attorney time litigating a customized Lyft TAR
3 approach, and we've got delay and we've got costs there. So
4 why not just save that time and money by simply going with one
5 of these off-the-shelf approaches? So --

6 **MS. ELLIS:** Your Honor, if I -- I just did a little
7 calendar in my head. We're almost at the end of June now.

8 **THE COURT:** I'm sorry?

9 **MS. ELLIS:** I said, I just want to sort of play this
10 out. And not to belabor the point, but I want to, again,
11 express the sense of urgency here for this substantial
12 completion of discovery deadline. The topics that we're
13 talking about are critical to moving the needle there.

14 We're already nearly towards the end of June. If we don't
15 get an ESI order -- if we get an ESI order in July, that means
16 we're then negotiating custodians and search terms through
17 July, maybe into early August. Let's say they take two weeks,
18 three weeks to look at hit reports, to figure out if they can
19 do manual review. Then they come back to us and say, "Oh,
20 you know what? Maybe we should use some sort of TAR."

21 We're very well then at the end of August and September.
22 This is presuming that no other litigations get in the way and
23 family vacations don't happen. And then we get into this fight
24 again. We have a TAR protocol fight that is another round of
25 briefing which takes us to October.

1 Then collections haven't been fully done. We're not
2 agreed. We haven't been able to take any real depositions of
3 company executives at that point, and our experts won't even
4 yet have our materials.

5 So we strongly feel that these issues need to be resolved
6 now and hope that Lyft will come to the table in good faith to
7 resolve the issues that, standing before you today, we don't
8 need to wait till that discovery is live to see these are
9 problems and they are problems in this discovery process.

10 **THE COURT:** Okay.

11 All right. Let's move on to the search terms. So there,
12 I'm inclined to adopt the plaintiffs' proposal because it sets
13 some clear parameters to start that negotiation process. I
14 will probably clean up the language there. I think there's a
15 reference to some portion of the ESI protocol that might not
16 exist. It could have been a typo of some sort. But I think
17 the basic parameters will get this process moving.

18 With respect to the hyperlink issues, there are multiple
19 issues within -- related to hyperlinked documents. There are
20 definitional disputes. There's disputes around the metadata
21 that's necessary to preserve family-parent-child relationships
22 for hyperlinked documents. There are disputes about the number
23 of hyperlinked documents that Lyft must produce, also potential
24 challenges related and disputes related to producing
25 contemporaneous versions of hyperlinked documents; that is,

1 hyperlinked documents that are contemporaneous with the message
2 or the email that linked that document.

3 So --

4 **MS. ELLIS:** Your Honor, if I may?

5 **THE COURT:** Sure.

6 **MS. ELLIS:** We appreciate that this is an emerging
7 area of the law and it's not quite clear.

8 We've done our best. As you will recall, we did not
9 incorporate the hyperlink issue into the Uber MDL until later,
10 and so we did our best with it.

11 But based on our experience then and this litigation
12 starting anew, our approach has attempted to deal with some of
13 the problems that we encountered in that other litigation and
14 to eliminate the level of disputes that might resolve -- or
15 might come up because of this.

16 And so the metadata fields that we have now mostly agreed
17 to -- and I'm going to let my colleague address to the extent
18 there's specificity -- are an attempt to sort of get at this
19 hyperlink issue in a different way.

20 But the increased number of hyperlinks and the
21 conversation that we provide for in our proposed language
22 really accounts in the best way that we can see available now
23 under the law and technologically, unless Lyft is aware of
24 something else, for the very reality that 90 percent of their
25 documents are hyperlinks to other things that you cannot

1 understand if you don't see that other document.

2 We've also -- and this is sort of a related topic, but
3 when it comes to presentation of some information, there's
4 somewhat of a dispute about the native version as seen in the
5 course of business.

6 We have added language to this ESI protocol in an attempt
7 to avoid situations that we have had in other litigations where
8 we see things that are collected and they look a certain way
9 once they've been produced and that is fundamentally different
10 than how they look live in the course of business for the
11 company; for example, policies being, like, in an HTML format
12 and being able to see, like, how somebody at the company would
13 see it as opposed to what it looks like when you print a Web
14 page off.

15 Does that make -- point make sense?

16 **THE COURT:** Yeah.

17 **MS. ELLIS:** So they're somewhat intertwined.

18 We're trying to avoid some of the issues that we see on
19 the horizon in the best way we see fit. We believe that the
20 increased number has merit here because we've seen the
21 documents that they've already provided. We've begun
22 identifying hyperlinks that we think we're already going to
23 need from what's been produced.

24 And we strongly believe that with additional metadata
25 fields and a cooperative relationship about this topic, as

1 technology evolves, that this is an issue that we can all
2 tackle together effectively.

3 **MS. KO:** And, Your Honor, if I may address counsel's
4 points here.

5 I think on the hyperlink issue, I think that we have more
6 agreements than disagreements.

7 But addressing the point of going back in time, looking at
8 the documents that have already been produced and they're
9 beginning to identify, you know, the hyperlinks that they may
10 need to ask us to go manually collect or whatnot, there are
11 many, many documents where counsel in the JCCP already did that
12 exercise and have come to us and asked us to get the
13 hyperlinks, and we've done that. So they may find that they
14 actually already have those documents, because we've already
15 produced them, once they finish their exercise of kind of
16 matching up what hyperlinks they actually need. If counsel
17 asked for it, we did endeavor to go get it and produce it. So
18 a lot of this might not even be an issue. They may have
19 already been produced. And I suspect that there's going to
20 have been more of those documents that have been produced than
21 not produced. So that's one thing.

22 But on the hyperlink issue, really kind of what -- where
23 the dispute really centers is the contemporaneous version
24 reconstruction, because that's going back and looking at a
25 snapshot in time. And trying to pull a hyperlinked document,

1 you know, a historical version of a hyperlinked document, which
2 as Your Honor I know is well familiar with this issue, there's
3 no accepted technology that just does that automatically, and
4 so it is a manual process. And so with that, then burden and
5 proportionality has to be considered.

6 Our -- Lyft's e-discovery manager, Brandon Garibaldi, did
7 a declaration on this --

8 **THE COURT:** I read that.

9 **MS. KO:** -- where he set forth that it's a seven-step
10 process at Lyft, and each one document takes hours to pull.

11 And so where we landed is at two- -- about 200, 250 as an
12 initial starting point on these contemporaneous version
13 reconstructions as a suggestion of that is the ceiling here
14 because that is -- you know, it's in line with what Your Honor
15 ordered in Uber, but it's also where the Ninth Circuit case law
16 is finding to be reasonable and appropriate, weighing the
17 burden and the proportionality. It's about 250. And so we've
18 agreed to do that.

19 And we've also offered -- I've spoken to Ms. Ellis about
20 this multiple times. We've also offered that if there is a
21 need, you know, good cause, reasonable need, whatnot, shown
22 that we need to go and look for some additional documents where
23 it takes them above 250, we'd be willing to do that.

24 That, Your Honor, I think is much more reasonable than
25 just saying an arbitrary limit of a thousand where there's no

1 showing that they actually might need, like, a thousand
2 documents, where each individual document, to go pull that
3 contemporaneous version hyperlinked document takes hours to do
4 and it's a seven-step process.

5 **MS. ELLIS:** Your Honor, can I address just one point
6 briefly?

7 **THE COURT:** Go ahead.

8 **MS. ELLIS:** I'm glad to hear some of this was done in
9 the JCCP. I would ask that they provide that to us.

10 And this is sort of, again, a theme here, where we're
11 concerned that Lyft's lack of disclosures are delaying things.

12 **THE COURT:** Well, it sounds like she was saying that
13 maybe it had been disclosed but plaintiffs will have to, like,
14 link up through Bates numbers.

15 **MS. ELLIS:** And we're trying --

16 **MS. KO:** There's --

17 **MS. ELLIS:** -- to avoid that, Your Honor.

18 **MS. KO:** Well, there's metadata, Your Honor.

19 (Simultaneous speaking.)

20 (Official Reporter interrupts to clarify the record.)

21 **MS. ELLIS:** We're trying to avoid that, Your Honor, as
22 best as possible.

23 I'm sorry, Madam Court Reporter.

24 **MS. KO:** And I apologize as well.

25 But there has been metadata, so it's not necessarily going

1 to require somebody to sit there and kind of compare and do
2 that exercise on their end. Metadata was also provided that
3 shares the relationship.

4 And that, I think, also takes care of something that may
5 be considered a dispute from the plaintiffs' perspective, but
6 not really from Lyft's. We are willing to provide metadata
7 that preserves and demonstrates the relationship between a
8 source document and hyperlinked document.

9 And to that end, a lot of the metadata fields that were
10 still in research or dispute when we filed our briefs in
11 support of our ESI protocols, a lot of those metadata -- a lot
12 of those issues are now moot. Lyft has done the research and
13 has agreed to provide them as of the -- as demonstrated in the
14 filing that we made yesterday.

15 And so those relationship-tying metadata fields, they'll
16 get them, and so they'll be able to see, you know, what
17 document comes from or is related to what hyperlinked document,
18 other than we do have one field in dispute that Your Honor may
19 have seen. It is function- -- it is duplicative of another
20 field, that metadata field that establishes relationships
21 between hyperlinked documents. And our expert, Grace Hougey,
22 speaks to that in her declaration as well. So --

23 **THE COURT:** Okay.

24 **MS. KO:** I'm sorry, Your Honor.

25 **THE COURT:** Well, in terms of the challenges that come

1 with producing hyperlinked documents, so my understanding is
2 Lyft uses Google Workspaces --

3 **MS. KO:** Mm-hmm.

4 **THE COURT:** -- and Google Vault as well.

5 **MS. KO:** Yes. Google Vault is the collection tool.

6 **THE COURT:** So for things that are in the active
7 Google space or drive, is that hyperlink issue a problem in
8 terms of identifying contemporaneous versions of the document
9 that's hyperlinked; or in that environment, those technical
10 challenges don't exist?

11 **MS. KO:** Your Honor, contemporaneous version
12 reconstruction is always going to be a challenge, whether that
13 document remains in Google Workspace or not, because the
14 document remains live in Workspace.

15 **THE COURT:** Yeah, I understand that. But maybe the
16 versioning and the history that's saved and the technology and
17 the background is you're able to go to link up to that version
18 that existed at the time the email was sent or the chat message
19 was sent.

20 **MS. KO:** Only possibly after doing those seven steps
21 could you potentially link up to the contemporaneous version.

22 **THE COURT:** Well, is there no -- was there a
23 discussion of any kind of parsing technology, or there's
24 some -- sometimes the e-discovery vendors have other tools that
25 are not necessarily proprietary to Google but they use to link

1 up these documents.

2 **MS. KO:** I think the issue with that technology -- and
3 we presented a declaration from Ms. Hougey, an expert from
4 FTI Consulting, who addresses that quite in detail --

5 **THE COURT:** Okay.

6 **MS. KO:** -- there's no --

7 **THE COURT:** What's the docket number for that?

8 **MS. KO:** Oh, I have that, Your Honor.

9 **MS. ELLIS:** Your Honor, I appreciate their concessions
10 on these metadata fields. And the questions that you're
11 answering are the precise conversations that we had hoped to be
12 having over the last three weeks; and because we just received
13 their position through a public court filing yesterday
14 afternoon, we have now not been able to go back and confer with
15 them, prior to standing here today, to see if there's any
16 additional -- any additional --

17 **THE COURT:** Right.

18 **MS. ELLIS:** -- resolution that we can make on this.

19 I do not want to ask that we postpone anything else, but I
20 do suspect that a very short turnaround window to have a
21 discussion about metadata fields and this issue might be
22 beneficial. We'd be willing to do that.

23 I'm going to be here through -- you know, like, we could
24 do that today after this hearing and make it part of a
25 submission to the Court on Thursday. I just --

1 **THE COURT:** Well, there is -- like, there was an admin
2 motion -- and I don't think plaintiffs opposed it -- for them
3 to submit these two other declarations.

4 **MS. ELLIS:** Well, that admin motion, we did not. I
5 apologize.

6 The other admin motion, we did, about sealing of our
7 expert's declaration.

8 **THE COURT:** Okay.

9 **MS. ELLIS:** That one was opposed. That filing was
10 done yesterday, again.

11 **THE COURT:** Okay. But there was no opposition on the
12 part of plaintiffs to these two other declarations?

13 **MS. ELLIS:** I don't believe so, Your Honor.

14 **THE COURT:** So I was inclined to grant that and
15 consider the declarations. But -- and this is actually going
16 more into the metadata fields. But to the extent that was new
17 details for plaintiffs to consider, your e-discovery vendor
18 might agree or disagree, but you really haven't had the
19 opportunity to engage at that level.

20 **MS. ELLIS:** We have talked with our --

21 **THE COURT:** It seems to me.

22 **MS. ELLIS:** We've talked to Mr. Forrest about this
23 since last night, and my colleague is prepared to address this
24 with some granularity.

25 But in general, we want to discuss these fields where they

1 claim that it would be burdensome to produce these metadata
2 fields.

3 And also, this goes back to the idea of: Are we talking
4 past each other with respect to what plaintiffs are asking for
5 and what is available? If they say that doesn't exist, okay,
6 is there something like that that gets at the same sort of
7 information for that particular system that does exist?

8 In general, we're not asking them to create something that
9 doesn't exist; but if it's there and it makes everybody's lives
10 easier, it should be incorporated.

11 And so I was traveling most of the day yesterday. I wish
12 we could have conferred in the afternoon.

13 **THE COURT:** Okay. Yeah. Well, I am going to direct
14 you all to meet and confer this afternoon to follow up on these
15 details and then submit to me some joint statement by Thursday
16 that says what are the metadata disputes that remain, what's
17 been resolved. And I will decide whether or not -- if there's
18 a dispute, I'll make the calls on certain --

19 **MS. KO:** And, Your Honor, we're happy --

20 **THE COURT:** -- of these metadata --

21 **MS. KO:** -- to do that.

22 (Simultaneous speaking.)

23 (Official Reporter interrupts to clarify the record.)

24 **THE COURT:** I will make the calls on the remaining
25 dispute. I will decide the remaining disputes.

1 **MS. KO:** We're happy to do that, Your Honor, today,
2 this afternoon with Ms. Ellis. We're literally down to six
3 fields, three of them which just don't exist. So we can't
4 provide metadata that doesn't exist.

5 **THE COURT:** Okay. To the extent that you've got a
6 declaration that says they don't exist --

7 **MS. KO:** Yeah.

8 **THE COURT:** -- if plaintiffs disagree, I would want a
9 competing declaration that explains the factual basis for that
10 disagreement, and then we'll see which is more persuasive as a
11 factual matter.

12 **MS. KO:** Yes, Your Honor.

13 May I just direct Your Honor to the earlier question you
14 posed to me? What is the declaration number, the docket number
15 of Ms. Hougey's declaration? And that's 218-1.

16 **THE COURT:** Okay.

17 **MS. KO:** And she really addresses -- she addresses
18 metadata but, also, the contemporaneous version reconstruction
19 issue in detail, as does Mr. Garibaldi from the Lyft internal
20 perspective. His declaration is also 213 -- no. Excuse me.
21 It's 217. And he also discusses, from the perspective of Lyft,
22 the seven steps that it would take to pull every single one of
23 the contemporaneous version of any document.

24 And the ultimate conclusion of that, Your Honor, is that
25 we still may never get to a contemporaneous version of the

1 document that was hyperlinked into the source document because
2 it just may not exist any longer.

3 **THE COURT:** I think plaintiff had some sort of
4 proposed approach, but it would have -- the feasibility of that
5 approach would depend on what metadata is produced.

6 **MS. KO:** And, Your Honor --

7 **THE COURT:** So you would get something that sort of is
8 maybe not contemporaneous but, like, the most recent version
9 immediately prior to that message being sent.

10 **MS. ELLIS:** Yes, Your Honor. We've tried to use
11 reasonable language in our proposed protocol that accounts for
12 all of these uncertainties and an ongoing discussion that the
13 parties can have about the relevant responsive documents that
14 we need.

15 **THE COURT:** Okay. All right. We're getting towards
16 the end of my time. I want to run through a couple of the
17 metadata disputes just so that you understand what my thinking
18 is. I won't make a ruling because you're going to meet and
19 confer.

20 So, Lyft contends that there's three metadata fields that
21 don't exist: the "Has Multiple Versions," the "Track
22 Changes" field, the "Version Date" fields.

23 So we have Garibaldi's declaration. Lyft doesn't explain
24 why this information does not exist, and at a minimum, Lyft
25 could obtain it manually.

1 So my question for plaintiffs is: Do plaintiffs disagree
2 with Garibaldi's attestation about the non-existence of these
3 three metadata fields? And if plaintiffs disagree, can they
4 provide a declaration on that?

5 But you're going to meet and confer, but I'm just going to
6 put the question out. And I can go for maybe another
7 ten minutes, but we need to wrap up soon. So that was a
8 question that I had as far as those three fields.

9 Now, for fields that Lyft claims are only available for
10 Google Chat, Lyft contends that there's four metadata fields
11 regarding message threads that are only available for
12 production in Google Chat messages, but those fields do not
13 exist for other messaging applications. And the four fields
14 are "Date First Message Received," "Date First Message Sent,"
15 "Date Last Message Received," "Date Last Message Sent."

16 So are plaintiffs agreeable to these fields only being
17 produced with respect to Google Chat? And plaintiffs, are they
18 willing to stand down from demanding these fields in connection
19 with other messaging applications?

20 **MS. CHARONKO:** Your Honor, I think we do have a couple
21 of follow-up questions for them today in the meet and confer,
22 and this goes to what Ms. Ellis had talked about. It may be a
23 semantic issue. Those fields are known for Google Chat, but
24 they have disclosed to us they use things like Slack, which
25 have different metadata descriptions.

1 **THE COURT:** Okay.

2 **MS. CHARONKO:** So if we need to change the way the
3 language is on what those are --

4 **THE COURT:** Okay.

5 **MS. CHARONKO:** -- there is, for Slacks, something
6 called "Chat Date Sent"; so it's slightly --

7 **THE COURT:** Okay. No need to belabor the granular
8 details of chat metadata for me, but you'll address it at the
9 meet and confer --

10 **MS. CHARONKO:** Yes, Your Honor.

11 **THE COURT:** -- this afternoon.

12 Okay. Now, the third set of fields involve Lyft's claim
13 that they're overly burdensome. There's two metadata fields
14 regarding hyperlinked documents that are, according to Lyft,
15 overly burdensome to produce. Those fields are
16 "Contemporaneous Version" and "Missing Google Drive
17 Attachments."

18 So I think the "Missing Google Drive Attachments" is
19 something that was maybe carried over from the Uber MDL. I
20 didn't go back through the history of that. It might have been
21 something that was kind of particular to that case. I don't
22 know to what extent it's necessary here. It's something that
23 you-all can drill down on in your meet and confer.

24 So now there's a fourth group of metadata fields that Lyft
25 claims is duplicative, and that's the "Linked Google Drive

1 Documents ID."

2 **MR. WES:** Right. With the "Linked" --

3 **THE COURT:** Yeah.

4 **MR. WES:** With the "Linked Drive Document IDs."

5 **THE COURT:** That's duplicative of the "Linked Drive
6 Document IDs" field that they've agreed -- that Lyft has agreed
7 to produce. So I think we'll need to suss out in your meet and
8 confer kind of what's the difference between those fields, and
9 maybe you can reach an agreement on that issue.

10 Okay. So we're done with the metadata.

11 Now, the definitional issues, I do -- I am going to rule
12 that hyperlinked documents be included as part of the
13 definition of "attachments" and that hyperlinked documents are
14 included as part of the family or the parent-child
15 relationship. I think the metadata that helps preserve that
16 relationship must be produced, provided that the metadata
17 fields exist and are not unduly burdensome to produce. In
18 terms of -- so those are the definitional -- that's my view of
19 what the definitions ought to contain.

20 And also, the metadata, to the extent possible, needs to
21 be produced to maintain the ability to connect those records
22 that are hyperlinked. But, again, if it doesn't exist, it
23 doesn't exist.

24 And now, in terms of the number of hyperlinked documents
25 that Lyft must produce, plaintiffs want a thousand. Lyft's

1 proposing 250.

2 That 250 number is a carryover from the Uber MDL,
3 I believe, where these battles happened after, like, some
4 period of time. I think maybe early in the discovery process,
5 it may have been that there wasn't awareness of the challenges
6 associated with producing hyperlinked documents, and there may
7 have been an assumption that, oh, this is the same as producing
8 a traditional attachment to an email.

9 So we're dealing with this later in time. Now, here in
10 this MDL, we're at the outset. So possibly we would have the
11 capacity to go above 250.

12 **MR. WES:** And, Your Honor, I would just state -- and
13 we are agreeable to sort of the good cause for once we've set a
14 number, and we would still say 200 to 250 would be an
15 appropriate starting point, so that just to encourage
16 plaintiffs to be thoughtful about which ones they're asking
17 for. And then if they max that out and we've worked
18 cooperatively and they've been thoughtful about it and there's
19 good reason for there's additional ones needed, that we address
20 it at that point.

21 We're just concerned, and we've laid out in the Garibaldi
22 declaration just how involved the process is for each one of
23 those, because we do want to keep it limited, at least at the
24 outset, to the extent practical.

25 **THE COURT:** Yeah. Okay. Well, what I'm going to

1 order, because this -- we're not in the same posture with this
2 particular dispute as we were in the Uber MDL; but on the other
3 hand, a thousand may be more than is necessary. And we can
4 come back to it. We don't even know at this point the number
5 of custodians, how many documents these hit search terms.

6 But hyperlinks are ubiquitous, especially with
7 communications in recent years, because people aren't using
8 attachments in the traditional sense that we used to or even
9 emailing as much. So for that reason, I'm going to set it
10 higher, at 500, but it's not going to be a thousand. And this
11 is without prejudice to increasing the cap at a later point.

12 **MS. ELLIS:** Thank you, Your Honor.

13 **THE COURT:** Okay. All right.

14 **MR. WES:** Thank you, Your Honor.

15 **THE COURT:** And that's 250 hyperlinked documents above
16 what was initially allowed in the Uber MDL, but I think, again,
17 we're at the outset of this process.

18 So, okay. Now custodians.

19 **MS. ELLIS:** Your Honor, we have received additional --
20 an additional letter that was provided in both the JCCP and the
21 MDL.

22 **THE COURT:** Sorry. Can you say that again?

23 **MS. ELLIS:** Yes. Sorry. Alphabet soup.

24 We received an additional letter from Lyft that was
25 provided in both the JCCP and the MDL regarding individuals

1 that they have identified that they think might be additional
2 custodians at this point.

3 From plaintiffs' perspective, there's a couple of
4 fundamental problems. One, we don't have an understanding of
5 what their structure looks like, what their reporting structure
6 is, and how these groups fit together. We've been asking for
7 the names and job titles of those individuals who received
8 litigation holds because we think, in the absence of anything
9 in their systems, that just provide that to us. That's
10 probably the easiest way that we can understand it.

11 It's -- I did not -- I originally had this in our brief.
12 I took it out. It's less than a thousand individuals that were
13 placed on two separate litigation holds, one in 2019 and one in
14 2026. Just April of this year was their second litigation
15 hold. There were about 200 people put on hold in 2019 and
16 about 600 people put on hold in 2026. We'd like those names
17 and job titles. We think that that would go a long way towards
18 helping us resolve this dispute.

19 **MS. KO:** Your Honor, if I may address.

20 **THE COURT:** Sure.

21 **MS. KO:** So we provided a custodial proposal just last
22 week of 15 individuals. These are 15 new individuals. I think
23 there might be one or two who's an overlap from a prior effort
24 in the discovery in the JCCP. But we're dealing with -- we've
25 already had 53 custodians in the JCCP who we've also offered to

1 have discussions about whether they would be suitable
2 custodians to do additional discovery on in the context of the
3 MDL, and so we're already kind of dealing with, like, 68
4 custodians or whatnot.

5 Addressing the specific point, though, about the legal
6 hold custodians, it's not proper to ask another party for the
7 individuals put on legal hold without any sort of showing or
8 allegation that there's spoliation or some sort of concern with
9 preservation, which hasn't happened yet or hasn't happened at
10 all. We don't anticipate that to happen at all.

11 And so we're conflating issues. Legal hold custodians are
12 not intended to be tools to be able to select custodians for
13 discovery purposes; right? Legal holds are broader than people
14 who end up becoming discovery custodians.

15 **THE COURT:** I don't think legal holds are
16 determinative as to whether or not an individual should be a
17 custodian, but it's a starting point.

18 And I think that my understanding of the case law --
19 I think Judge Seeborg had a decision that addressed this
20 issue -- but the communications in the litigation holds are
21 privileged. That's my recollection. But just simply the names
22 and job titles of the people who received litigation holds, the
23 date that they received the litigation holds is not privileged.
24 And that type of information was required to be disclosed in
25 the Uber MDL. Here -- I mean, there was, like, a vastly

1 broader disclosure because I think they had over 10,000 people
2 with litigation holds on them, but that could have been a hold
3 emanating from any number of, like, lawsuits.

4 So it was part of the process of trying to drill down on
5 the universe of people who should be custodians. So --

6 **MS. KO:** And, Your Honor, if I may just --

7 **THE COURT:** Sure.

8 **MS. KO:** -- make a couple more points on that?

9 And that's partly our concern, is that there are so many
10 more people put on hold, just as the nature of what a hold is,
11 that, ultimately, that becomes broad and unhelpful to
12 determining who may be a suitable discovery custodian.

13 We have provided to the plaintiffs -- Uber doesn't -- or,
14 I'm sorry. Excuse me. Lyft does not have formal org charts of
15 its organization and who works in what function. But to the
16 extent that there is a document that we have been able to
17 identify that, you know, identifies members of teams or who
18 works within a structure that is relevant to the issues in this
19 case, we've provided it to them.

20 So they do have documents and they do have tools that
21 we've provided in the form of disclosures that could help
22 identify other custodians, to the extent that they're not one
23 of the ones whose names we provided last week, that we're happy
24 to discuss. We haven't had that discussion yet. This is the
25 first time I'm hearing about any sort of response to my

1 custodial proposal from last week.

2 And so I think what we would like to do is actually maybe
3 give plaintiffs' counsel a chance to take a look at the
4 documents that we provided. We provided them. I provided some
5 additional documents just last week, but I've also been
6 providing documents in the course of the last month or so as
7 part of the disclosure process and the supplemental iterative
8 disclosures that do provide structure and names of people with
9 teams. So they do have additional information.

10 My proposal would be, let's try that to see if there are
11 other custodial -- custodians who may be, you know, ripe to be
12 a discovery custodian before we get to legal hold custodians,
13 which really, I mean, the purpose of that is to ensure that
14 there's no spoliation happening, which there isn't.

15 **MS. ELLIS:** Your Honor, may I just briefly address
16 that?

17 I don't -- I'm not -- I don't recall if you were on this
18 meet and confer, but we discussed this exact issue on Thursday
19 after we received your letter last week.

20 Our position has remained the same since the beginning.
21 The litigation holds and the job titles, rather than a
22 description of -- a broad description of a department that we
23 don't even know if it's what it's called in the regular course
24 of business, is insufficient for us to have a fruitful
25 conversation about who is most likely to have relevant

1 responsive information, who was making decisions at the
2 company, how those decisions were being made, and when.

3 We are participating in good faith. We reviewed the
4 attachments that they provided. We reviewed all the materials
5 from the JCCP. And we remain of the position that in the
6 absence of more formal documentation from Lyft's HR or some
7 other sort of system about these structures, that the
8 litigation hold list of names, job titles, and dates that they
9 were put on hold is the most efficient and effective way to get
10 us forward in this conversation.

11 **MS. KO:** And I'd be willing to provide the job titles
12 of the people who are part of the custodial proposal that has
13 been made.

14 **MS. ELLIS:** Your Honor, if I may just add one more?
15 Of the 53 custodians that were in the JCCP, it's my
16 understanding that 50 of them no longer work at the company.

17 There were nine additional names proposed to us a week
18 ago. While we're not conceding that any of those people may
19 not be relevant and part of the custodian discussion, we've
20 been asking, time and time again, how did you come up with
21 these names so we can have a discussion.

22 **MS. KO:** And I disclosed that. They are people who
23 have worked in the relevant -- we're doing a refresh now,
24 right, so 2024-2025 time period -- in relevant functions that
25 go to the issues in this case, and so that's how they were

1 identified.

2 And so I think that what we have here is a starting point
3 for discussion. We haven't yet had those discussions. Our
4 proposal is let's start here, let's discuss, let's see how that
5 goes, and then, you know, let's get discovery started and start
6 with some custodians.

7 **THE COURT:** Okay. So I don't think in the brief there
8 was any sort of citation to -- in Lyft's brief, any sort of
9 citation to, like, a controlling appellate decision that says,
10 as a matter of law, disclosure of the names and job titles of
11 individuals who have litigation holds relevant to the case is
12 disproportionate or, like, improper discovery disclosures. I
13 just don't -- I don't think that there's -- because you're
14 arguing that the Court can only order that type of disclosure
15 where there's been a preliminary showing of spoliation.

16 **MS. KO:** I think -- oh, sorry, Your Honor.

17 **THE COURT:** If there's a particular case that you want
18 to point to --

19 **MS. KO:** I remember seeing this.

20 **THE COURT:** -- good, but I just don't remember from
21 reading your brief.

22 **MS. ELLIS:** Your Honor, I'll just -- as an FYI, I just
23 looked back at one of their disclosures, and this is one of the
24 areas where they actually were specific as to where this
25 information is stored.

1 Legal hold information, according to their June 3rd
2 disclosure, is within the system called Hold360 or the
3 discovery platform DISCO.

4 **THE COURT:** Okay. So there isn't going to be a burden
5 issue --

6 **MS. ELLIS:** No.

7 **THE COURT:** -- there.

8 **MS. KO:** I think, Your Honor, the point is that it's
9 not going to help either; right? It's --

10 **THE COURT:** Okay. Well, I think that the letters that
11 you've sent, you've proposed a group of custodians. That is
12 very helpful to identifying who the potential custodians are.
13 But also, Lyft has identified a thousand people that they've
14 sent litigation holds to related to this case; and so that
15 doesn't -- that's not dispositive on the question of who should
16 be custodians, document record custodians in this case because,
17 clearly, we don't need a thousand custodians; but to facilitate
18 the parties back-and-forth and negotiations on the appropriate
19 custodians, the disclosure of those individuals' names, job
20 titles, and the dates when they were given a litigation hold is
21 going to be helpful to this process.

22 And I think it's reasonable, given the relevance and given
23 that there is no strong showing of burden as to producing that
24 information.

25 So I'm going to order Lyft to provide that information

1 within the next week.

2 **MS. KO:** Your Honor, if I may provide you the name of
3 authority. I found it in my notes.

4 **THE COURT:** Okay. Well, what is --

5 **MS. KO:** I don't have the full citation, but it's the
6 *Cricket Wireless* case.

7 **THE COURT:** The which?

8 **MS. KO:** *Cricket Wireless* case.

9 **THE COURT:** Oh, okay.

10 **MS. KO:** And my understanding is -- my notes show that
11 it has a requirement that -- legal hold disclosures have a
12 preliminary requirement of a showing, absent evidence of
13 spoliation, that disclosure is not required.

14 **MS. ELLIS:** I don't see that cite in their brief,
15 Your Honor.

16 **THE COURT:** Sorry. It's page 15 and 16 of their
17 brief.

18 **MS. ELLIS:** Your Honor, I'd just note that this is a
19 2020 case, and we have, as you are well familiar, had this
20 discussion significantly since that time in the Northern
21 District.

22 **THE COURT:** Okay. Well, when I read that argument, I
23 wasn't persuaded by it because what we're dealing with here is
24 just a disclosure of the names and job titles. It's not
25 disclosure of litigation hold materials, like the

1 communications, which to me, what I understood from the
2 argument is that in this case, the Court was trying to deal
3 with and resolve a possible spoliation issue and so
4 understanding what people were required to preserve would be
5 important.

6 But we're not talking about the particular disclosure of
7 the details in any litigation hold, the communication itself,
8 or, substantively, what material was required to be preserved.
9 Rather, we're just trying to identify a universe of people who
10 were potentially -- who potentially had relevant information
11 and, therefore, might be appropriate custodians for this case.

12 **MS. ELLIS:** As a further FYI, the number is 842. 842
13 is the number of individuals who received legal hold notices.

14 **THE COURT:** 842?

15 **MS. ELLIS:** 842. It was 233 --

16 **THE COURT:** Yeah, I was kind of wondering because
17 somebody said a thousand, and then the 2019 was 200 people, and
18 then the 2026 was --

19 **MS. ELLIS:** 609.

20 **THE COURT:** -- 600, so I was a little confused about
21 the math there.

22 But in any event, in Uber, it was like over 10,000 people,
23 I think.

24 **MS. ELLIS:** Yeah. Well, and, you know, I'm glad --
25 this is not for this hearing, Your Honor, but I am glad that

1 counsel brought up spoliation.

2 The difference in the size of those litigation holds gives
3 us some concern, particularly given our lack of awareness about
4 their preservation policies. This is a dispute that's due to
5 the Court on the 30th. I'll leave it there for today.

6 **MS. KO:** And, you know, just to address that point,
7 the size doesn't explain anything. Uber is a much, much, much
8 larger company than Lyft, and so you would expect that. One
9 doesn't translate to another.

10 **MS. ELLIS:** I wasn't comparing to Uber. I was
11 comparing the two numbers in time.

12 **THE COURT:** Okay. All right. So I addressed --
13 you've got my order within a week.

14 I wasn't persuaded by the *Cricket* case to change the order
15 I just issued a moment ago, which was within the next week,
16 Lyft shall disclose to plaintiffs the names and job titles of
17 the individuals who were placed on litigation holds in 2019 and
18 2026, which I understand to be just a few more than 800 people.
19 And that's intended to facilitate the identification of
20 custodians for this MDL.

21 **MS. ELLIS:** Thank you, Your Honor.

22 **THE COURT:** Okay. All right. You're going to meet
23 and confer this afternoon and give me an update on Thursday.

24 I will work on an order that resolves as many of these
25 issues that I can for now.

1 **MS. ELLIS:** Thank you, Your Honor.

2 **MS. KO:** Thank you, Your Honor.

3 **THE COURTROOM DEPUTY:** Do you want to set the next
4 discovery status conference?

5 **THE COURT:** I was thinking -- great point -- the next
6 discovery status conference could be the week of July 13th.
7 Would you like to have it on Zoom or in person?

8 **MS. KO:** I think Zoom would be fine from our
9 perspective.

10 **THE COURT:** Okay. We could also do it late in July.
11 I think that makes sense. Like the last week of July.

12 **THE COURTROOM DEPUTY:** So the last week -- do you want
13 to keep it on Tuesdays, Your Honor? The last week of July, you
14 could do the 28th in the morning or -- I'm sorry.

15 **THE COURT:** Oh, I was thinking -- part of the reason
16 why I was thinking July 13th or 14th is because I believe you
17 have your Judge Lin --

18 **MR. RISKIN:** July 15th, Your Honor.

19 **THE COURT:** Okay. So I was thinking we would go
20 the day before on the discovery status.

21 **MS. ELLIS:** The 14th would work. And given the number
22 of issues that are still in the air, we think earlier would be
23 better.

24 **THE COURT:** Okay.

25 **THE COURTROOM DEPUTY:** I would say the 13th,

1 Your Honor. The 14th, you have quite a hefty motion calendar,
2 unless you wanted to do it later in the day. But on July 13th,
3 you're available.

4 **MS. ELLIS:** That would be fine with plaintiffs.

5 I would just ask that maybe we have it later in the day.
6 If people needed to travel, they could travel in the morning
7 and come here.

8 **THE COURT:** Well, I'll do it -- I mean, I guess you're
9 traveling to meet with Judge Lin in person.

10 **MS. ELLIS:** People will be traveling to come to
11 Judge Lin anyway, but I think most flights are booked on
12 Monday. And so they could take the earlier flight, come to a
13 discovery hearing in the afternoon. We could do work together.

14 **THE COURT:** Okay. Although Ms. Ko was saying Zoom.

15 **MS. KO:** Yes, Your Honor. I think that that would be
16 fine. But, you know, I'm happy to work with the parties if
17 everyone is going to be here and prefer --

18 **THE COURT:** Where are you based?

19 **MS. KO:** I'm in Washington, D.C.

20 **THE COURT:** Oh, okay.

21 **THE COURTROOM DEPUTY:** So we could do July 14th in the
22 afternoon.

23 **THE COURT:** Yeah, it would be in the afternoon.

24 Just a second.

25 Did you want to say something?

1 **MR. RISKIN:** I came up to indicate that Judge Lin's
2 conference was on the 15th.

3 **THE COURT:** Okay.

4 **MR. RISKIN:** Thank you, Your Honor.

5 **MS. ABRAMS:** The afternoon of the 14th works well if
6 that works for --

7 **THE COURT:** Okay. Let's do it on Zoom on the
8 afternoon of the 14th.

9 At 1:30 or 3:00?

10 **THE COURTROOM DEPUTY:** It would be 3:00 because you
11 have a 1:30 status conference.

12 **THE COURT:** Okay. So the trade-off, Ms. Ko, is you're
13 going to be on Zoom in the evening.

14 **MS. KO:** That's fine. I am from California as it is,
15 so I work California hours. It's fine.

16 **THE COURT:** Okay.

17 **MS. ABRAMS:** If you'd prefer, if it's just going to be
18 Zoom only, the 13th is fine as well.

19 **THE COURT:** Okay. Yeah, I think I'm going to need a
20 bit of time probably to look at the materials on the 13th,
21 so --

22 **THE COURTROOM DEPUTY:** The 14th at 3:00 p.m.,
23 Your Honor?

24 **THE COURT:** 3:00 p.m.

25 **THE COURTROOM DEPUTY:** Okay.

1 **MS. KO:** Thank you.

2 **THE COURT:** Okay.

3 **MS. ELLIS:** Your Honor, I just want to raise one
4 point. And this was not on the agenda today, but to the extent
5 there are any disputes that we think we might bring to
6 the Court's attention in advance of that conference that are
7 not specific to orders, could the Court offer some guidance to
8 the parties on the best process by which we should do that?

9 **THE COURT:** Because we don't -- there's no dispute
10 resolution --

11 **MS. ELLIS:** Right.

12 **THE COURT:** -- process.

13 Like in Uber, we have this PTO 8, which is a joint
14 discovery letter process, and it's really -- I don't know if
15 you've seen that, Ms. Ko, but it's, like, okay, you exchange
16 portions of your draft; it's five pages max.

17 **MS. ELLIS:** I'm not asking the Court to adopt that
18 here. I think there may be some ways to improve it. But I
19 just raise it as a point of conversation and discussion that we
20 can perhaps address. If the Court wants our input, we're happy
21 to provide it.

22 **THE COURT:** Right. Can you meet and confer? That
23 way, at least Ms. Ko can have a look at that PTO 8, and then
24 maybe you could stipulate to some dispute resolution process
25 that adopts from that but makes modifications that everyone

1 agrees to.

2 **MS. ELLIS:** That's great.

3 **THE COURT:** I mean, for example, maybe you want it to
4 be six pages rather than five pages, because I think there's
5 been disputes at times between, oh, who has two and a half
6 pages and kind of getting the right amount of space. So --

7 **MS. KO:** Thank you, Your Honor. That was going to be
8 my suggestion. Since I'm not familiar with that PTO, then I'll
9 take a look at it and we'll meet and confer.

10 **THE COURT:** Have a look at it.

11 **MS. KO:** Yes.

12 **MS. ELLIS:** We'll provide it to them and suggest that
13 we issue -- or provide a joint filing maybe in a week also on
14 that. Like, we can provide something to the Court in a week on
15 that as well.

16 **THE COURT:** Yeah. Like a stipulation?

17 **MS. ELLIS:** A stipulation, yeah. I hope that we can
18 agree on this.

19 **THE COURT:** Yeah, I hope so too. So that would be by
20 Tuesday next week, the 30th.

21 **MS. ELLIS:** Thank you, Your Honor.

22 **THE COURT:** Okay. And then --

23 **MS. KO:** Thank you, Your Honor.

24 **THE COURT:** -- once I establish that process, then
25 you're off to the races in terms of taking up these disputes to

1 present to me.

2 **MS. ELLIS:** We will -- we are attempting to minimize
3 that --

4 **MS. KO:** We hope not, at least from Lyft.

5 **MS. ELLIS:** -- to the greatest extent possible.

6 **THE COURT:** All right. Thank you.

7 **MS. KO:** Thank you, Your Honor.

8 **MS. ELLIS:** Thank you, Your Honor.

9 **THE COURTROOM DEPUTY:** Court is now adjourned.

10 (Proceedings adjourned at 11:06 a.m.)

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13 **CERTIFICATE OF REPORTER**

14 I certify that the foregoing is a correct transcript
15 from the record of proceedings in the above-entitled matter.

16
17 DATE: Sunday, June 28, 2026

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23 _____
24 Ana Dub, CSR No. 7445, RDR, RMR, CRR, CCRR, CRG, CCG
25 Official United States Reporter