

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JERI CONNOR,
Plaintiff,

v.

QUORA, INC.,
Defendant.

Case No. 18-cv-07597 BLF (NC)

**ORDER ON DISCOVERY DISPUTE
AS TO FORENSIC INSPECTION OF
PLAINTIFF'S ELECTRONIC
DEVICES**

Re: ECF 235

In this negligence case arising from a data breach, defendant Quora moves to compel a forensic examination of plaintiff Connor's devices that she used to access the Quora platform. ECF 235. Quora states that it seeks to examine plaintiff's digital "hygiene" on her devices, and asserts that the search is relevant to causation, comparative negligence, and class certification. Connor objects that the request is untimely, cumulative, irrelevant, overly intrusive, and not proportional to the needs of the case under Fed. R. Civ. P. 26(b)(1).

The document request at issue, Quora RFP No. 15, seeks "ALL PHYSICAL HARDWARE OR DEVICES YOU have used to access the QUORA PLATFORM, including but not limited to the mobile phone(s), tablets, laptops or other computers or devices that YOU used to access the Quora platform." As drafted, Quora's request is

1 dramatically overbroad, intrusive, and not proportional to the needs of the case under Rule
2 26.

3 In the discovery letter brief, Quora suggests that it would agree to adopt “reasonable
4 protocols” like those adopted in the *Anthem* data breach case, No. 15-md-02617 LHK,
5 including the use of a third-party forensic examiner. ECF 235 at p. 4. But Quora’s
6 discovery brief is short on details as to what it is proposing. What does it want to search
7 for on the devices? Using what methods? Who would do the search? Where? Who would
8 pay for it? What access and control will plaintiff have over the search?

9 Without these curbs to limit the burden and expense of the production, the proposed
10 search is a fishing expedition that is not proportional to the needs of the case. Less
11 burdensome discovery methods could have been used to learn the information Quora now
12 seeks. Quora’s request is therefore denied.

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14 **IT IS SO ORDERED.**

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16 Dated: May 4, 2021

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19 NATHANAEL M. COUSINS
20 United States Magistrate Judge
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