

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

PATRICK CALHOUN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. [20-cv-03664-LHK](#) (SVK)

20-cv-5146-LHK (SVK)

**ORDER REGARDING DEPOSITION OF
SUNDAR PICHAI**

Re: Dkt. Nos. 357, 360, 361

(*Brown* action)

In the *Brown v. Google* action, the Court is in receipt of the Parties' submissions regarding the deposition of Google and Alphabet CEO Sundar Pichai. Dkt. Nos. 357, 360, 361. Plaintiffs argue that Mr. Pichai has unique, personal knowledge of relevant issues relating to the Chrome browser and privacy concerns and that less intrusive means of discovering what Mr. Pichai knew and when he knew it have been ineffective. Defendant seeks to shield Mr. Pichai as an apex deponent, taking issue with Plaintiffs' interpretation of documents produced by Defendant. Following receipt of the Parties' joint submission, the Court requested and reviewed documents relied upon by both Plaintiffs and Defendant in their arguments.¹ Dkt. Nos. 360, 361. Having carefully considered the Parties' submission, the Court **GRANTS IN PART**

¹ The Court received both electronic copies (under seal) and a chambers copy from Plaintiffs. However, as the chambers copy did not conform to the electronic copy, the Court used only the electronic copy in its review.

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Plaintiffs' request under the following conditions:

- Many of the cited documents, while conceivably relevant to Plaintiffs' claims in this case, do not appear to bear any connection to Mr. Pichai. *See, e.g.*, GOOG-BROWN-00409986; GOOG-CABR-03750737. A few documents establish that specific relevant information was communicated to, and possibly from, Mr. Pichai. *See, e.g.*, GOOG-BRWN-00048967.C; GOOG-CABR-05269678.² Accordingly, Plaintiffs may depose Sundar Pichai for not more than two (2.0) hours of testimony.
- In the event the *Calhoun* Plaintiffs intend to seek the deposition of Mr. Pichai, the date for the deposition must be coordinated such that the witness sits for deposition only once, unless the witness chooses separate dates. In the *Calhoun* action, an independent showing under the apex standard will be required, and any time allowed for deposition will be in addition to the time allowed in the *Brown* matter.

SO ORDERED.

Dated: December 27, 2021



SUSAN VAN KEULEN
United States Magistrate Judge

² The Court's citation to certain documents is for exemplary purposes only and is not exhaustive. Further, the Court's reference to any specific document is not intended as a limitation on the scope of deposition and may not be used as a basis for objection to deposition questioning.