

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

State of Colorado, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03715-APM

HON. AMIT P. MEHTA

JOINT STATUS REPORT

Pursuant to the Court's Minute Order of September 8, 2022, the parties in *United States v. Google LLC* and *State of Colorado v. Google LLC* submit the following Joint Status Report summarizing the state of discovery and identifying any issues between the parties, and the parties' respective positions, that will be raised at the status hearing scheduled for October 14, 2022.

I. Case No. 1:20-cv-03010

A. Google's Discovery of Plaintiffs

A summary of Google's First Set of Requests for Production and prior document productions made by Plaintiffs are set forth in the parties' earlier Joint Status Reports.¹

U.S. Plaintiffs served six reply expert reports on September 26 and served related and underlying support materials for those reports on October 3.

On September 29, Google issued notices of deposition for six of U.S. Plaintiffs' experts.

On October 10, Google filed a motion to exclude the report and testimony of Dr. Kirsten Martin, an expert witness disclosed by U.S. Plaintiffs on September 26. Google proposed to U.S. Plaintiffs that this issue be submitted as part of this Joint Status Report, but U.S. Plaintiffs declined.

U.S. Plaintiffs explained that the subject matter was not proper for a Joint Status Report; moreover, because Google had refused to meet and confer on their proposed motion, the U.S. Plaintiffs did not understand the basis for Google's proposed filing. Accordingly, cross filings in a Joint Status Report were impossible. Google has briefed the issue separately. U.S. Plaintiffs' brief is due October 24, 2022.

Google will be prepared to address this motion at the status hearing. U.S. Plaintiffs respectfully request the Court set a date for argument on the motion, after the parties fully brief the issues.

¹ Reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), June 15 (ECF No. 360), July 12 (ECF No. 367), and August 22 (ECF No. 383).

Google respectfully requests that the Court enter Exhibit A, which is a proposed order that would expand by 5 pages the limitations for summary judgment briefs. This would allow Google to file a 50-page memorandum of points and authorities in support of a motion for summary judgment in *United States, et al. v. Google* and a 50-page memorandum of points and authorities in support of a motion for summary judgment in *State of Colorado, et al. v. Google*. The U.S. Plaintiffs and Colorado Plaintiffs will each be permitted to file a 50-page memorandum of points and authorities in opposition to the motions, and Google will be permitted to file a 30-page reply in support of each of its motions. U.S. Plaintiffs and Plaintiff States take no position on this request.

B. Plaintiffs' Discovery of Google

A summary of Plaintiffs' First through Thirteenth Sets of Requests for Production and the document productions previously made by Google are set forth in the parties' earlier Joint Status Reports.²

Google produced additional documents on August 23, 25, and 30, on September 7 and 16, and on October 7. Google produced additional data on August 26 and September 9, and Google produced a corrected privilege log on September 26.

Google served six reply expert reports on September 26, and served related and underlying support materials for those reports on October 3. Google served the reply expert report of Edward A. Fox on October 10.

² Reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), June 15 (ECF No. 360), July 12 (ECF No. 367), and August 22 (ECF No. 383).

U.S. Plaintiffs and Plaintiff States issued notices to re-open nine depositions on July 21 pursuant to the Court's Minute Order dated July 14, 2022. U.S. Plaintiffs and Plaintiff States have completed eight of the re-opened depositions and an additional deposition is scheduled for October 28.

On September 30, U.S Plaintiffs issued notices of deposition for seven of Google's experts.

C. The Parties' Discovery of Third-Parties

A summary of the third-party discovery requests previously issued by the parties is set forth in the parties' earlier Joint Status Reports.³

II. Case No. 1:20-cv-03715

A. Google's Discovery of Plaintiff States

A summary of Google's First Set of Requests for Production and the document productions made by Plaintiffs to date are set forth in the parties' earlier Joint Status Reports.⁴

Plaintiff States served two reply expert reports on September 26, and made related and underlying support materials available to Google on October 3.

On September 29, Google issued notices of deposition for Plaintiff States' two experts.

³ Reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), June 15 (ECF No. 360), July 12 (ECF No. 367), and August 22 (ECF No. 383).

⁴ Reports dated March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), June 15 (ECF No. 360), July 12 (ECF No. 367), and August 22 (ECF No. 383).

B. Plaintiff States' Discovery of Google

A summary of Plaintiff States' First through Seventh Sets of Requests for Production and the document productions previously made by Google are set forth in the parties' earlier Joint Status Reports.⁵ Google has continued to produce to Plaintiff States the documents and data produced to the U.S. Plaintiffs and its co-plaintiffs in Case No. 1:20-cv-03010 in addition to producing documents and data in response to Plaintiff States' First through Seventh Sets of Requests for Production.

Google served six reply expert reports on September 26, and served related and underlying support materials for those reports on October 3. Google served the reply expert report of Edward A. Fox on October 10.

On August 25, 2022 Google produced data responsive to Request 36 of Plaintiff States First Request for Production.

Plaintiff States have coordinated with U.S. Plaintiffs in scheduling the depositions of Google's experts and on October 10 noticed the deposition of an additional Google expert.

C. The Parties' Discovery of Third-Parties

A summary of the third-party discovery requests previously issued by the parties is set forth in the parties' earlier Joint Status Reports.⁶

⁵ Reports dated March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), June 15 (ECF No. 360), July 12 (ECF No. 367), and August 22 (ECF No. 383).

⁶ Reports dated February 23 (ECF No. 111), March 28 (ECF No. 124), April 23 (ECF No. 131), May 24 (ECF No. 135), June 24 (ECF No. 149), July 27 (ECF No. 165), August 27 (ECF No. 191), September 24 (ECF No. 223), October 26 (ECF No. 248), November 23 (ECF No. 256), January 4 (ECF No. 271), February 8 (ECF No. 285), March 4 (ECF No. 315), April 4 (ECF No. 333), May 10 (ECF No. 351), July 12 (ECF No. 367), and August 22 (ECF No. 383).

Dated: October 12, 2022

Respectfully submitted,

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