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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE PERSONALWEB
TECHNOLOGIES, LLC, et al.,
PATENT LITIGATION

Case No. [18-md-02834-BLF](#) (SVK)

**ORDER ON JOINT DISCOVERY
SUBMISSION**

Re: Dkt. No. 860

Before the Court is the Parties’ Joint Discovery Submission regarding an alleged waiver of privilege by third party investors (“Investors”) who have previously appeared in this action. Judgment-creditor Amazon seeks an order compelling production of certain communications by the Investors, arguing that the inclusion of PersonalWeb’s attorney, Jeff Gersh, in the communications waives any claim of privilege. Amazon also argues that the Investors’ production of related communications constitutes a subject matter waiver. The Investors claim that there has been no waiver based upon a variety of facts as to who was representing whom when, the common interest doctrine and attorney work-product. The Court has reviewed the submission and supporting exhibits and will benefit from more complete briefing on the issue of waiver.

I. Amazon’s motion to compel production.

First, the Court calls the Parties’ attention to this Court’s Civil & Discovery Referral Matters Standing Order, updated January 2023, which allows ten pages, double-spaced, for joint discovery submissions. The standing order also admonishes against argument in footnotes. The supplemental briefing must comply with this Court’s Order as to the use of footnotes. The Parties will file supplemental briefs on the following schedule:

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II. Amazon’s motion to compel logging of certain documents by the Investors.

This request is **DENIED** for the reasons previously stated when the subject documents were identified on the record as being transferred from the SAM law firm to the Investors and is not to be addressed in the supplemental briefing. *See* Dkt. 850.

SO ORDERED.

Dated: March 28, 2023



SUSAN VAN KEULEN
United States Magistrate Judge

United States District Court
Northern District of California