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August 16, 2022

Honorable James Donato
United States District Judge
San Francisco Courthouse, Courtroom 11, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Schneider et al v. YouTube, LLC et al.*, Case No. 3:20-cv-4423-JD (N.D. Cal.)

Dear Judge Donato,

We represent Plaintiffs and the putative class. We respectfully request permission to submit this letter as a supplement to Plaintiffs' letter motion of July 29, 2022. ECF 156. At the case management conference on July 7, 2022, the Court indicated a desire to be informed of discovery issues impacting the case schedule. The purpose of this letter is to inform the Court of recent developments that impact Plaintiffs' expert disclosures, due on September 1, 2022.

In their final letter of the meet and confer process, Defendants declared impasse over the set of data sought by Plaintiffs but nevertheless agreed to produce takedown notice data for a single day, stating: "It seems clear that further attempts to reach compromise will not be productive. Defendants will proceed to produce the approximately 25,000 sample takedown notices as described in my July 15 letter, including the 'claimant name' information noted above and 'country of origin' information if feasible." July 25, 2022 Gallo White letter to O'Keefe, p. 4. Plaintiffs followed with our letter motion of July 29, 2022, requesting a production of 180 days of data, and the Court ordered Defendants to respond by August 22, 2022. ECF 158.

By email dated August 12, 2022, Plaintiffs asked when Defendants' single day of data would be produced. By email of the same date, Defendants stated they would only produce that day of data if Plaintiffs withdrew their letter brief. Absent this production, Plaintiffs' experts will rely solely upon four discrete 100-entry sample data tables, one of which Defendants indicated during the meet and confer process was "not intended as a statistical representation of all takedown notices the service receives." July 15, 2022 Gallo White letter to O'Keefe, p. 2.

For the reasons set forth in Plaintiffs' letter motion of July 29 (ECF 156), we respectfully request the production of all data requested therein, the preclusion order sought in the alternative therein, or the appointment of a special master to resolve remaining issues. Defendants' refusal to provide a single day's worth of data further supports the appropriateness of Plaintiffs' requested relief.

Sincerely,



Carol O'Keefe