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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,  
Plaintiff,  
v.  
META PLATFORMS INC., et al.,  
Defendants.

Case No. [22-cv-04325-EJD](#) (SVK)

**ORDER RE 30(B)(6) DEPOSITION OF  
FTC**

Re: Dkt. No. 144

The Court has reviewed the Parties’ Joint Discovery Statement re 30(b)(6) Deposition of FTC, along with the exhibits, supplemental exhibits, relevant filings on the docket and relevant law. Dkt. 144, 168. This dispute arises out of Defendants’ amended Notice of Deposition to the FTC. Dkt. 144-2. There are 13 topics in the notice. Topics nos. 8-10 and 13 relate to Defendants’ affirmative defenses and are DEFERRED pending a ruling on the FTC’s motion to dismiss and this Court’s further instructions below. The remaining topics, nos. 1-7 and 11-12, are the subject topics addressed by this Order. The Court determines that this matter may be resolved without oral argument. Civ. L.R. 7-1(b). For the reasons set forth below and in the attached Exhibit A, Defendants’ request as to the subject topics is **DENIED**.

Defendants Meta Platforms, Inc., et al (“Meta”) are correct that the FTC is not entitled to a blanket protective order based upon attorney work product prohibiting depositions directed at the allegations in a complaint. *See, e.g., Fed. Trade Comm’n v. DirecTV, Inc.*, No. 15-cv-1129, 2015 WL 7775274, at \*5 (N.D. Cal. Dec. 3, 2015); *Fed. Trade Comm’n v. Vylah Tec LLC*, No. 17-cv-228, 2018 WL 3656474, at \*10 (M.D. Fla. Aug. 2, 2018). As in any investigation, even if conducted by an attorney, the underlying facts are discoverable. *DirecTV, Inc.*, 2015 WL 7775274, at \*5; *Vyla Tec LLC*, 2018 WL 3656474, at \*10. There may be, however, a thin line between facts and the analysis or processing of those facts by counsel, with the latter giving rise to

United States District Court  
Northern District of California

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attorney work product. Accordingly, the Court proceeds with caution in analyzing the current dispute as provided in Exhibit A, with careful consideration to the allegations at issue and the discovery that has already taken place on the subject topics.

In conclusion, Meta may not take the FTC’s deposition on topics 1-7 and 11-12. Verified responses to interrogatories, as indicated in Exhibit A, are due **no later than November 8, 2022**. For the remaining topics, the Parties are to meet and confer following a ruling on the pending motion to dismiss, either in person or by video, only, and to inform the Court of the status of the dispute in a joint submission not to exceed five pages **no later than November 15, 2022**.

**SO ORDERED.**

Dated: November 1, 2022

  
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SUSAN VAN KEULEN  
United States Magistrate Judge