

**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

FILED UNDER SEAL

**UNITED STATES' MOTION FOR SANCTIONS AGAINST GOOGLE, LLC AND AN
EVIDENTIARY HEARING TO DETERMINE THE APPROPRIATE RELIEF**

For the reasons described in Plaintiff United States' Memorandum In Support, Plaintiff United States respectfully moves the Court to: (1) hold that Google has engaged in spoliation in violation of Rule 37(e); (2) order an evidentiary hearing to assess the appropriate sanctions to remedy Google's spoliation; and (3) order Google to provide further information about custodians' history-off chat practices, through written declarations and oral testimony, in advance of the requested hearing.

Dated: February 10 2023

Respectfully submitted,

By: /s/ Kenneth M. Dintzer

Kenneth M. Dintzer

Erin Murdock-Park (DC Bar # 1019993)

Joshua Hafenbrack (DC Bar #1017128)

Karl E. Herrmann (D.C. Bar #1022464)

U.S. Department of Justice, Antitrust Division

450 Fifth Street NW, Suite 7100

Washington, DC 20530

Telephone: (202) 227-1967

Kenneth.Dintzer@usdoj.gov

Erin.Murdock-Park@usdoj.gov

Joshua.Hafenbrack@usdoj.gov

Karl.Herrmann@usdoj.gov

Counsel for Plaintiff United States of America