Exhibit 70

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION	NO. 21-md-02981-JD
THIS DOCUMENT RELATES TO:	
Epic Games, Inc. vs. Google LLC, et al., Case No. 3:20-cv-05671-JD	
In Re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD	
State of Utah, et al. v. Google LLC, et al., Case No. 3:21-cv-05227-JD	
Match Group, LLC, et al. vs. Google LLC, et al., Case No. 3:22-cv-02746-JD	

San Francisco, California
Thursday, January 12, 2023

TRANSCRIPT OF PROCEEDINGS

IN RE EVIDENTIARY HEARING ON CHAT PRESERVATION

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And what we would like is an order or clarification that by providing the testimony, we are not waiving any privilege.

THE COURT: That's fine, but let me ask you a question. I thought this witness had nothing to do with legal holds.

MR. ROCCA: He is aware -- that's not what the testimony was, Your Honor.

THE COURT: He said: I have no role in implementing legal holds. That was his testimony.

So did he do this one? I'm just asking. Did he do this one for some reason?

MR. ROCCA: He did not do this specific one, but he's aware as information governance.

THE COURT: Are we going to hear from somebody who did this one?

MR. ROCCA: We're aware of somebody that -- we have two witnesses who are aware of the specific instructions in this case. And Mr. Lopez can provide --

THE COURT: You say "aware of," though. Who actually -- who is the point person in the company? Are we going to hear from that person?

MR. ROCCA: Your Honor, Google has a large legal department. There's a large team working on these cases, inside counsel and outside counsel.

Mr. Lopez is familiar with the legal hold notice in this case and can provide the general -- both the general guidance

that's applicable across matters but, also, how it was implemented in this case.

THE COURT: Well, okay. I'm just asking. Is there anyone who actually worked on this, that had the job inside of Google to work with the legal team to disseminate all this?

MR. ROCCA: I do not believe that Mr. Lopez -- Mr. Lopez did not work as a litigator on this case.

THE COURT: All right. When you say he's "aware of," if all he did was just read the policy before coming in -- is that what you're saying? That's all he knows? He just read it before he came in? He didn't actually do anything in the company?

MR. ROCCA: Mr. Lopez is aware of the general policy that applies for legal matters, and we're prepared to provide that information to the Court, provided it's not a waiver of privilege.

THE COURT: Mr. Rocca, just one building block at a time. How is Mr. Lopez aware of this? Did he just read the policy before he came in to testify? Is that how he's aware of it?

MR. ROCCA: May I ask the witness, Your Honor?

THE COURT: Oh, sure. Yeah.

How do you know about this policy? I'll ask you.

THE WITNESS: Yeah. So this specific policy, my team owns and manages.

THE COURT: Let me just step back. You just heard our

discussion. Look, this is a bench trial. We don't have to worry -- or a bench hearing.

How do you know anything about the hold for this case?

THE WITNESS: It's -- yeah. I've read what the notice says that's provided to custodians.

THE COURT: When did you read that?

THE WITNESS: I don't know the exact date, but it was at some point -- at some point after this matter commenced.

THE COURT: All right. So in preparation -- basically, in preparation for this hearing; is that right?

THE WITNESS: Not specifically in perception. Just as my general duties of being aware of what we're doing internally.

THE COURT: When was that? Last month? Six months ago?

THE WITNESS: Oh, I would say a year ago, at least.

THE COURT: A year ago. Okay. So who in the company actually rolled this out to people? Who did the groundwork?

THE WITNESS: That's a great question. I wasn't involved in that, and so I couldn't answer.

THE COURT: All right. Well, we can do what we can do.

Go ahead.

MS. MOSKOWITZ: Your Honor, can I lodge an objection to this whole line of questioning, both for the foundational aspect that Your Honor raised, but also based on the fact that Google is expressly asking to use privilege as both a sword and a shield.

We were expressly refused production of this litigation hold. And we repeatedly asked and Google said "no." And now they want to use that and Mr. Lopez's reading of that in court when we've never had the benefit of that. So that's just classic sword/shield, and they shouldn't be able to do it.

THE COURT: Well, you had not provided it to your colleagues?

MR. ROCCA: Your Honor, it's attorney-client privileged. We offered multiple times, time and time again, to a non-waiver agreement where we would provide it on the condition that they wouldn't argue "Oh, you've waived privilege." They declined that. They also said repeatedly that it's irrelevant to any of these issues.

So now they're saying that they're objecting --

THE COURT: Let me -- I'm sorry. Let me just jump in.

Did you actually give it to them or not?

MR. ROCCA: No. They do not have the privileged legal hold notice. We offered it to them repeatedly.

THE COURT: What is the waiver concern? What are you worried about for waiver?

MR. ROCCA: Your Honor, we're worried about respecting the privilege in a situation where if we reveal information in a hearing, that the plaintiffs will assert that we've opened the door in ways that we don't understand before we were providing the testimony. So we just want a very simple clar- --