

4. An opinion from the Northern District of California approving of a defendant's proposal to use a phased approach to discovery including the use of both search terms and technology-assisted review.

In *Huntsman v. Southwest Airlines Co.*, 2021 WL 3504154 (N.D. Cal. August 10, 2021), U.S. Magistrate Judge Phyllis J. Hamilton approved the Defendant's proposed approach to discovery using keyword searches and technology-assisted review in tandem.

In this class action brought under the Uniformed Services Employment and Reemployment Rights Act of 1994, the parties submitted to the court a number of disputes regarding Plaintiff's document requests to Southwest. Among other disputes, Plaintiff sought a broad category of communications related to Southwest's participation in Military Review Board meetings, or with any other government office or agency, regarding Southwest employees' military leaves. Plaintiff contended that these requests related to Southwest's practice for verifying leaves through communications with the military. Southwest objected to this request as overbroad and not proportional to the needs of the case but still agreed to conduct a phased search of its custodians' data for responsive documents. *Id.* at *2.

Magistrate Judge Hamilton agreed with Southwest's proposed phased approach to responding to this discovery. She further noted that the parties disagreed regarding the use of search terms to limit the scope of ESI review. In this regard, she approved of Southwest's proposed approach to use keyword searches and technology-assisted review in tandem, finding that the approach "does not offend the court's expectation that the parties conduct a reasonable inquiry as required by the rules." *Id.* at *3.