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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SABAS ARREDONDO et al.,
Plaintiffs,
v.
DELANO FARMS CO., et al.,
Defendants.

1:09-cv-01247 MJS HC

**ORDER ON DELANO FARMS COMPANY'S
MOTION REGARDING PLAINTIFFS'
DISCOVERY RESPONSES**

(Doc. 414)

This matter comes before the Court on Delano Farms Company's Motion Regarding Plaintiffs' Discovery Responses. (ECF No. 414.) The Court, having considered Delano Farms' motion and related materials submitted by the parties (ECF Nos. 415-17, 420), hereby GRANTS the motion to the extent and in the manner set forth below.

IT IS ORDERED that not later than 5:00 p.m., Friday, March 25, 2016, Plaintiffs shall ensure that, except for documents withheld as privileged and identified as such in a verified privilege log, all of the following documents and information have been produced to Defendant Delano Farms and, further, Plaintiffs shall confirm in writing and under oath that all have been produced to Defendant:

1 1. All work product, documents, data, calculations, and information collected,
2 created, or considered by Dr. Roberts in forming his opinions as of February 22,
3 2016, to include, but not necessarily be limited to:

4 a. All of Dr. Roberts' statistical survey results and damage
5 calculations, including:

6 1) Writings showing how he arrived at and applied his
7 assumptions regarding "pre-harvest" and "harvest" work.

8 2) Identification of work weeks included for purposes of damage
9 calculations including class-wide penalties and pre- shift damages.

10 3) Calculations regarding averages, such as the average
11 number of days per week and average minutes worked, for each his
12 conclusions about pre- shift work damages.

13 4) Calculations regarding margins of error.

14 5) Analysis made to match the survey pool with payroll data on
15 the 305 individuals for whom the survey was completed, the 43 who
16 refused, the 119 not included, and for those with multiple potential
17 matches in the payroll records and to include information disclosing
18 which payroll data he decided to rely upon and why.

19 6) MonteCarlo simulations actually run by and relied upon by Dr.
20 Roberts in a form that enables Defendant to duplicate the
21 simulations.

22 b. All of Dr. Roberts' notes and communication including those setting
23 forth his plans, instructions, and progress for the design, implementation,
24 and analysis of information to be collected from the focus groups, mail
25 survey, and in-person survey and including notes or copies of
26 communications with others regarding his work on this project.

1 2. All California Survey Research Services (“CSRS”) documents relating to
2 this litigation and CSRS’s work in connection with it, specifically identifying all
3 communications and other documents to and from CSRS and all other documents
4 created by CSRS in connection with this litigation, to include but not necessarily
5 be limited to:

6 a. Attachments to emails produced or to be produced in accordance
7 with this Order.

8 b. Access to inaccessible documents produced such as CSRS’s
9 records of its attempts to validate survey responses (the “Validation Study”)
10 from a subset of respondents by telephone; to the extent necessary,
11 Plaintiff’s response shall include arranging a reasonable, mutually
12 agreeable, time for Defendant to inspect and image the information at
13 CSRS’s offices.

14 c. Access, in the same manner accessed by CSRS, to now disabled
15 URL links and web-based content referenced in CSRS’s work.

16 d. Training materials regarding the door-to-door procedures and
17 survey questions.

18 e. Regular progress reports that CSRS agreed to email Dr. Roberts.

19 f. Information reflecting how the rate of response from the
20 approximate 10,744 individuals in the Delano Farms “study” was
21 determined.

22 g. Information provided by individuals who reportedly refused to
23 complete the survey.

24 h. Any and all notes, memoranda, recordings, etc. reflecting the time,
25 place, parties to, and contents of communications between and among
26 CSRS, Dr. Roberts, and BMR.

1 3. All Bakersfield Market Research (“BMR”) documents relating to this
2 litigation and BMR’s work in connection with it, specifically identifying all
3 communications and other documents to and from BMR and all other documents
4 created by BMR in connection with this litigation, to include but not necessarily be
5 limited to:

- 6 a. Internal communications.
- 7 b. Field notes of each individual who conducted in-person interviews.
- 8 c. Training instructions to include interview instructions, record-keeping
9 protocols, and hand-written notes regarding the survey process.
- 10 d. Internal payment records reflecting BMR’s compensation of its
11 interviewers including time records and travel and other cost
12 reimbursements.
- 13 e. Documents reflecting who was to be solicited for an interview and
14 who was not and who actually was interviewed and who was not and why.
- 15 f. Attachments to emails produced or to be produced in accordance
16 with this Order.

17 4. Verification under oath that, except as described in a privilege log or proper
18 objection compliant with applicable provisions of the Federal Rules of Civil
19 Procedure, all documents described above and all other documents otherwise
20 requested through discovery in this case have been produced.

21
22 IT IS SO ORDERED.

23 Dated: March 22, 2016

24 /s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE
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