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

SHARIDAN STILES, et al.,

Plaintiffs,

v.

WALMART, INC., et al.,

Defendants.

No. 2:14-CV-2234-KJM-DMC

ORDER

Plaintiffs, who are proceeding with retained counsel, bring this civil action alleging intellectual property and antitrust claims. Pending before the court are the following discovery motions:

Motions Filed by Plaintiffs

ECF No. 377            Motion to Compel Additional Supplemental Responses to Requests for Production of Documents (Set Two). Disputed Requests are No.'s 64, 65, 70, 71, and 72.

ECF No. 381            Motion to Enforce Plaintiffs' Right to Take the Court-Ordered 18 Depositions.

Motions Filed by Non-Party Onyx Corporation (Onyx)

ECF No. 370            Motion to Quash Deposition Subpoena.

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1           The parties, and non-parties as identified therein, filed a joint statement regarding  
2 these discovery disputes. See ECF No. 393. The parties and non-parties appeared before the  
3 undersigned in Redding, California, on March 4, 2020, at 10:00 a.m. for arguments on the above-  
4 mentioned motions. Brian Dunne appeared for plaintiffs, Sharidan Stiles and Stiles 4 U, Inc.  
5 Catherine Simonsen appeared for defendant, Walmart, Inc. Kristina Sager appeared for non-  
6 parties Walgreen Co. and Jeannie Helfrich (Ms. Helfrich).<sup>1</sup> Joshua Escovedo appeared for non-  
7 party Onyx Corporation. Robert Friedman appeared telephonically for non-party Coty, Inc.

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9           At the hearing, the Court found that:

10           1. As for plaintiffs’ Motion to Compel Additional Supplemental Responses, ECF  
11 No. 377, plaintiffs argued that defendant Walmart failed to provide adequate responses to their  
12 requests for production as ordered by this Court in its December 18, 2019 Order, ECF No. 307.  
13 Defendant Walmart argued that the disputed requests for production were not in line with the  
14 Court’s order that plaintiffs amend and narrow their requests for production. The Court now  
15 orders that:

16                   a. Defendant Walmart’s objections to the following requests for production  
17 are SUSTAINED: Request No.’s: 64, 65, 70, and 71; and accordingly, no further response as to  
18 those Requests shall be required of defendant Walmart.

19                   b. As to request for production No. 72, defendant Walmart shall provide a  
20 supplemental response clarifying Walmart’s position as to the status of any documents or things  
21 known to have been destroyed relating to plaintiffs’ products at issue in this action. That  
22 Supplemental Response shall be provided within 20 days of this Order.

23           2. As for plaintiffs’ Motion to Enforce Depositions, ECF No. 381, plaintiffs argued  
24 that non-party witnesses Ms. Helfrich and Robin Foshee failed to appear for their depositions and  
25 violated both properly served subpoenas and this Court’s previous Order, ECF No. 360.

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27           <sup>1</sup> Ms. Helfrich is referred to as “Jennifer, Jeanne, and Jeannie” throughout the Joint  
28 Statement, ECF No. 393. This Court’s Order applies to the Ms. Helfrich who has been identified  
as the “Qualified Witness of Walgreen Co.” See id. at 55.

1 Defendant Walmart and non-parties contend that the very same Order barred plaintiffs from  
2 taking either deposition. The Court now orders that:

3 a. By March 6, 2020, plaintiffs shall provide written notice to all parties  
4 and effected deponents confirming which previously served deposition notices are withdrawn,  
5 such that the total number of noticed depositions, completed and pending, shall not exceed the 18  
6 depositions previously authorized by Court Order. Plaintiff has represented to the Court that 14 of  
7 the subject depositions have been completed to date, and that six notices are currently  
8 outstanding. On or before March 6, 2020, plaintiff shall provide written notice of the withdrawal  
9 of two of the currently noticed depositions, such that only four depositions shall remain pending;

10 b. Should plaintiffs' election as to the four remaining depositions include  
11 Ms. Helfrich and/or Robin Foshee, plaintiff's counsel shall meet and confer with deponents'  
12 counsel to coordinate the depositions of Ms. Helfrich and/or Robin Foshee;

13 c. The remaining four depositions shall be taken on or before March 31,  
14 2020; and

15 d. All properly served deposition subpoenas shall be honored and enforced.

16 3. As for Onyx's Motion to Quash, ECF No. 381, Onyx argues that plaintiffs  
17 delayed in coordinating and seeking deposition. Plaintiffs contend they coordinated with Onyx in  
18 good faith and diligently attempted to take a deposition before the Court order discovery deadline,  
19 February 15, 2020. The Court now orders that:

20 a. Plaintiffs shall coordinate with Onyx's counsel to complete a deposition  
21 in accordance with Federal Rule of Civil Procedure 30(b)(6); and

22 b. Such deposition shall be taken on or before March 31, 2020.

23  
24 IT IS SO ORDERED:

25  
26 Dated: March 5, 2020

27   
28 DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE