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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 ROBERT VALLADON, *et al.*,

No. C 06-07478 SI

9 Plaintiffs,

**ORDER RE: PLAINTIFFS' DISCOVERY  
MOTION**

10 v.

11 CITY OF OAKLAND,

12 Defendant.  
13 \_\_\_\_\_/

14 On March 23, 2009, plaintiffs requested an order compelling defendant to disclose “all  
15 documents described in Exhibit 1” of plaintiff’s letter brief. Pl. Letter Br. at 5. Exhibit 1 describes  
16 seventeen broad categories of documents. Defendant responds that it “is intending to and is in the  
17 process of producing the documents requested.” Def. Letter Br. at 1. As of March 31, 2009, defendant  
18 represented that it had already disclosed several categories of documents and was in the process of  
19 compiling other information. Decl. of Justine Hinderliter in Supp. of Def. Letter Br. ¶¶ 5-20. It appears  
20 that of plaintiffs’ seventeen requests, there are only three to which defendant does not intend to produce  
21 documents: Requests Six, Eleven and Fifteen.

22 In Request Six, plaintiffs seek “all documents relating to the FLSA lawsuit brought by Fire  
23 Department employees against the City of Oakland.” Plaintiffs do not discuss this request in their letter  
24 brief. It is not evident to the Court why documents from a previous case are relevant to this action.  
25 Thus, plaintiffs’ request for an order compelling production of these materials is DENIED.

26 Exhibit 1 does not include Request Eleven. The Court assumes that plaintiffs have abandoned  
27 their request relating to this category of documents.

28 In Request Fifteen, plaintiffs seek “Oracle white papers, family packs, readme files, and any


1 other documents from Oracle relating to upgrades made to the payroll system that affected the FLSA  
2 calculation . . . .” Defendant responds that it does not possess any documents responsive to this request  
3 because Oracle’s upgrades do not apply to defendant’s computerized payroll system. As evidence that  
4 defendant does in fact possess responsive documents, plaintiff cites the “Guice” deposition transcript.  
5 In the cited portion, the witness states that he recalls receiving “family packs” and “readmes” from  
6 Oracle (it appears that a family pack is a software upgrade and a readme is the accompanying  
7 instructions) but does not state that the materials related to upgrades to the payroll system. *See* Letter  
8 Br., ex. 19 at 85:2-86:16.<sup>1</sup> Thus, plaintiffs cite no evidence establishing that defendant’s representation  
9 that it does not possess these materials is false. Plaintiffs request is DENIED.

10 Plaintiffs also imply that they seek to continue the hearings on defendants’ summary judgment  
11 motions. If so, they must file a motion for a continuance pursuant to Federal Rule of Civil Procedure  
12 56(f). The Court is not inclined to look favorably on any such request in light of the fact that the Court  
13 has already granted plaintiffs’ requests for continuances and because it appears that much of the  
14 discovery requested by plaintiffs was either already provided by defendant or was not requested until  
15 mid-March.

16 Finally, plaintiffs state that it is “difficult to see” how they can adhere to the June 22, 2009 trial  
17 date. Letter Br. at 5. The Court finds that plaintiffs have not established that postponement of the trial  
18 is necessary. If plaintiffs wish, they may contact the Court’s deputy to schedule a case management  
19 conference before the upcoming hearing on defendants’ summary judgment motions.

20 **IT IS SO ORDERED.**

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22 Dated: April 10, 2009

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25 SUSAN ILLSTON  
26 United States District Judge

27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiffs also cite 54:7-16 of the deposition transcript, but these lines are not included with  
the portion of the transcript plaintiffs provide the Court. *See* Letter Br., ex. 19.