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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

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11   CLARKE and REBECCA WIXON,   )
)
12   Plaintiff(s),   )   No. C 07-2361 JSW (BZ)
)
13   v.   )   **ORDER COMPELLING**
)   **FURTHER DISCOVERY**
14   WYNDHAM RESORT DEVELOPMENT   )
     CORP., et al.,   )
15   )
              Defendant(s).   )
16   _____)

17   Defendant Wyndham Resort Development Corporation

18   ("defendant") has moved to compel plaintiffs to respond to

19   eight interrogatories. Having read all the papers submitted,
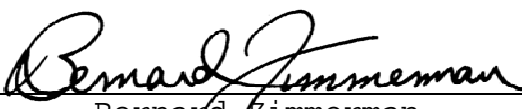
20   I find no need for argument.

21   **IT IS ORDERED** that defendant's motion to compel is

22   **GRANTED** as follows:

23   1. Plaintiffs' objections to Interrogatories 7, 9, 10,

24   and 11 as overbroad and premature are **SUSTAINED** in part. Each

25   of these interrogatories is in reality three interrogatories.

26   One seeks facts, another seeks the identity of witnesses and

27   the third seeks the identity of documents. Defendant is

28   entitled at this stage of the litigation to learn the facts

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1 which underpin plaintiffs' case so it can brief the issue of

2 whether these facts are susceptible to class treatment. It is

3 therefore **ORDERED** that plaintiffs shall answer the first

4 portion of each of these disputed interrogatories by **April 29,**

5 **2009.** Plaintiffs shall answer the remainder of these

6 interrogatories within 60 days of the class certification

7 ruling. I find that at this stage of the litigation, the

8 burden and expense involved in ascertaining this information

9 on short notice outweighs the likely benefit of the

10 information to defendant's opposition to plaintiffs' motion

11 for class certification. *See* Federal Rule of Civil Procedure

12 26(b)(2)(C)(iii).

13   2. Plaintiffs' objections to Interrogatories 5, 12, 13,

14 and 14 are **OVERRULED**. These are timely and relevant to such

15 issues as the existence of common questions of law and fact,

16 typicality of claims, and the representatives' ability to

17 represent class. *See* <u>Oppenheimer Fund, Inc. v. Sanders</u>, 437

18 U.S. 340, 351 (1978). Plaintiffs shall answer these

19 interrogatories by **April 29, 2009**.

20 Dated: April 15, 2009

21 _____

22   Bernard Zimmerman
                   United States Magistrate Judge

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24 G:\BZALL\-REFS\WIXON V. TRENDWEST\ORDER ON WRDC'S MOT TO COMPEL.BZ VERSION.wpd

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