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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHILDREN’S HOSPITAL AND
RESEARCH CENTER AT OAKLAND,

No. C-07-6069 SC (EMC)

Plaintiff,

**ORDER GRANTING DEFENDANT’S
MOTION TO COMPEL DISCOVERY,
OR IN THE ALTERNATIVE, MOTION
IN LIMINE**

v.

HEALTH PLAN OF NEVADA, INC.

Docket No. 44

Defendant.

Defendant has moved to compel responses to two interrogatories. Having considered the parties’ briefs and accompanying submissions, as well as the oral argument of counsel, the Court conditionally **GRANTS** Defendant’s motion.

Because Judge Conti has not yet interpreted the contract at issue, Defendants’ interpretation of the contract is still plausible; thus, the information sought by Defendant is relevant for purposes of discovery. Furthermore, Plaintiff’s objections based on the California Public Records Act and the California Welfare and Institutions Code lack merit. The Act prevents disclosure by a state or local agency to the general public, not a private entity in litigation. *See* Cal. Gov’t Code § 6253(b). Similarly, the Code prevents disclosure of a special commission’s records, not a private entity’s. *See* Cal. Wel. & Inst. Code § 14087.58(a).

At the hearing, Plaintiff still argued against providing responses to the interrogatories on the basis that the information sought by Defendant is akin to a trade secret – *i.e.*, if Defendant obtains information about the contract rates then it will be at a competitive advantage in future business

1 dealings. This concern, while perhaps legitimate, may be addressed by a properly drawn protective
2 order.

3 For the reasons stated above, the Court shall require Plaintiff to provide responses to the
4 interrogatories at issue, subject to a protective order to be stipulated to by the parties. Plaintiff,
5 however, is not required to provide responses until March 20, 2009. If, prior to that date, Judge
6 Conti rules on the pending motion for summary judgment and rejects Defendant's interpretation,
7 then Plaintiff shall be relieved of its obligation to provide interrogatory responses. If, by that date,
8 Judge Conti has not ruled on the summary judgment motion or ruled in Defendant's favor, then
9 Plaintiff shall provided responses by the end of the business day on March 20, 2009.

10 This order disposes of Docket No. 44.

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12 IT IS SO ORDERED.

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14 Dated: March 16, 2009

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17 EDWARD M. CHEN
18 United States Magistrate Judge
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