

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JULIE CAMPANELLI, et al.,

Plaintiffs,

v.

HERSHEY COMPANY,

Defendant.

No. C 08-01862 WDB

**ORDER RE DISCOVERY DISPUTE
RAISED IN JOINT LETTER DATED
MAY 15, 2009**

The Court is most pleased that the parties to this action, through counsel, have worked so constructively and conscientiously to develop a sensible plan to position this matter for mediation. The Court extends its gratitude to counsel for working so professionally together and for narrowing their disputes to the single matter addressed in the next paragraph.

Having considered the parties' positions as described in counsels' letter of May 15, 2009, and having taken into account the larger context in which the planned discovery is taking place, the Court hereby RULES that Hershey need not produce a 30(b)(6) deponent to testify about "why Hershey believes its RSRs are properly classified as exempt" -- as long as Hershey sets forth in a detailed answer to an interrogatory both the legal reasoning and the assumptions about the facts that inform Hershey's contention that the classification is appropriate. For this purpose, Hershey's description of its "assumptions about the facts" that

1 underlie its contention must set forth the approximate percentages of their time Hershey's
2 RSRs are presumed to commit to each of the major categories of tasks their jobs involve.

3 **IT IS SO ORDERED.**

4 Dated: May 18, 2009

5 
6 _____
7 WAYNE D. BRAZIL
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28