

United States District Court  
For the Northern District of California

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

PHILLIP TEMPLE, et al.,  
Plaintiffs,  
v.  
GUARDSMARK, LLC,  
Defendant.

No. C 09-02124 SI

**ORDER DENYING PLAINTIFF'S  
REQUEST TO PROPOUND  
ADDITIONAL INTERROGATORIES**

Plaintiff has filed a discovery letter seeking leave to propound 25 additional interrogatories.<sup>1</sup> Plaintiff asserts that he has redefined the proposed class and now seeks to represent a class of California security guards “who worked as the sole Guardsmark security officer at a client work site during an 8 hour work shift and . . . did not receive two 10-minute off-duty rest periods per work shift.” Plaintiff contends that this additional discovery is required in order to explore defendant’s defenses to the class claim, identify Guardsmark witnesses regarding supervisor training, duties, and client security service agreements, and generally to propound other questions “as needed to complete pre-certification discovery.” Plaintiff asserts that the additional interrogatories will not duplicate previous discovery.

Plaintiff attaches to his discovery letter a copy of 13 interrogatories he apparently sent to defendant prior to seeking leave of Court. These interrogatories cover much of the information plaintiff states he wishes to discover, and defendant represents that it has already provided substantive answers to 9 of the interrogatories and objections to the remaining 4. To the extent plaintiff feels any of

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<sup>1</sup> Plaintiff has already propounded 25 interrogatories in this case, which is the maximum number permitted without leave of Court under Rule 33(a)(1).

1 defendant's objections are improper, he may seek the Court's intervention after first attempting to  
2 resolve the dispute through the meet and confer process. However, in light of the fact that plaintiff has  
3 already received responses to 13 interrogatories over and above the 25 he is permitted under Rule 33,  
4 the Court declines to grant leave to propound further interrogatories beyond those already sent and  
5 answered.

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7 **IT IS SO ORDERED.**

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9 Dated: September 7, 2010



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SUSAN ILLSTON  
United States District Judge