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

LEONILA JAVIER, et al.,

No. C-09-3398 JSW (EDL)

Plaintiffs,

**ORDER RE: APRIL 1, 2010 JOINT
LETTER**

v.

PHILIPPINE AIRLINES,

Defendant.

Plaintiff Leonila Javier fell and broke her hip while returning to her seat from the lavatory on a Philippine Airlines flight from Vancouver, Canada to Manila, Philippines. In an effort to obtain witness information, on November 20, 2009, Plaintiffs propounded Interrogatory number 19 (“Identify all persons who were seated in the economy class section of the aircraft.”) and Request for Production of Documents number 9 (“All documents, including but not limited to your passenger manifests for the flight which contain the name, age, nationality, date of birth, address, telephone number and email addresses of all persons who were seated in the economy class section of the aircraft.”). In response, Defendant produced a passenger list including names and seat numbers of the passengers on the flight.

On April 1, 2010, the parties filed a joint letter in which Plaintiffs seek an order compelling Defendant to produce further identifying information for passengers in the economy class section where Plaintiffs were seated pursuant to Interrogatory number 19 and Request for Production of

1 Documents number 9. Specifically, as requested in Request for Production number 9, Plaintiffs seek
2 the full name, age, nationality, date of birth, address, telephone number and email address for all
3 economy class passengers. Defendant opposed Plaintiffs' discovery on the grounds that it was
4 unduly burdensome and was propounded for the purpose of harassing Defendant. On April 2, 2010,
5 this matter was referred to this Court for resolution. This matter is appropriate for decision without
6 oral argument. For the reasons stated in this Order, the Court orders further discovery.

7 Plaintiffs have made a showing that the identifying information of passengers near where
8 Plaintiff was injured is relevant to this case. Plaintiffs state that they already identified the
9 passenger in seat 36K as a witness, and Defendant has already deposed the passenger from seat 37H.
10 There may be additional witnesses from other areas of the plane that Plaintiffs seek to identify.

11 Defendant argues that producing this information would be unduly burdensome because
12 Defendant would have to search other databases for each passenger on the flight to find this
13 information. Defendant also argues that it would be burdened by having to provide a courtesy notice
14 to its passengers to inform them that their identifying information had been released.

15 Although Plaintiffs have shown that this information is relevant, Defendant has made a
16 showing that production of the information would be somewhat burdensome. On balance, however,
17 Defendant's burden is outweighed by the relevance of the identifying information, as limited below.
18 See Fed. R. Civ. P. 26(b)(2). While Plaintiffs' discovery requests clearly only seek information for
19 economy class passengers, the Court is somewhat persuaded by Defendant's argument that Plaintiffs
20 should narrow their discovery to sections of the plane closest to the accident site and Plaintiffs'
21 seats. Although the Court is mindful that passengers can move around on a flight, passengers in the
22 rear of the plane next to other lavatories are less likely to have discoverable information. Therefore,
23 Defendant shall produce the passenger identifying information, including name, age, nationality,
24 date of birth, address, telephone number, and email address, for all economy class passengers from
25 the front through row 68. See, e.g., Nathaniel v. Am. Airlines, 2008 U.S. Dist. LEXIS 95336, 14-15
26 (D.V.I. Nov. 20, 2008) ("Notwithstanding the federal regulations, courts have held that a passenger
27 manifest may be discoverable pursuant to a confidentiality agreement."). Production of this
28 information shall be pursuant to the parties' February 12, 2010 Stipulated Protective Order regarding

1 production of the passenger manifest.

2 **IT IS SO ORDERED.**

3 Dated: April 7, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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