



1 responsive to such requests and to produce them to Plaintiff's counsel in electronic form  
2 no later than December 31, 2012. Plaintiff shall have until February 15, 2013 at 4:00  
3 p.m. to review such production and to notify Defendant's counsel of any alleged  
4 deficiency regarding Defendant's production. The parties shall thereafter meet and  
5 confer with a view to resolving any disagreements concerning any alleged deficiency.  
6 If such efforts are unsuccessful, Plaintiff may so notify the Court and request a further  
7 hearing on the adequacy of Defendant's compliance with this Order.

8 2. Plaintiff's motion is **DENIED** as to Requests Nos. 59 and 60. The Court is not  
9 persuaded, at this time, that Defendant's electronic access control records are  
10 sufficiently probative to justify the burden of requiring Defendant to produce them in  
11 light of Defendant's representation that drivers' Record of Duty Status log books are  
12 available for production. Therefore, the Court orders Defendant to produce a sample of  
13 its Records of Duty Status log book pages for the Class Members during the class  
14 period on or before December 31, 2012. The parties have agreed that such sample shall  
15 be co-extensive with the sample periods for linehaul drivers agreed upon by the parties  
16 in July 2011. The Court's denial of Plaintiff's motion as to this request is without  
17 prejudice to revisiting this issue upon a showing of good cause and without prejudice to  
18 further appropriate discovery by Plaintiff.

19 3. Plaintiff's motion is **GRANTED** as to Requests Nos. 64, 65 & 66. Defendant shall  
20 produce the information responsive to these requests in electronic form on or before  
21 December 31, 2012.

22  
23 Dated: November 21, 2012

  
24 HON. NANDOR J. VADAS  
25 UNITED STATES MAGISTRATE JUDGE  
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