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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ALLAGAS, et al.,

Plaintiffs,

v.

BP SOLAR INTERNATIONAL, INC., et  
al.,

Defendants.

Case No. 14-cv-00560-SI (EDL)

**ORDER**

Re: Dkt. Nos. 121, 122

On July 28, 2015, Plaintiffs filed a motion to compel production of international warranty claims and soldering instructions. On September 16, 2015, this Court issued an order on that motion stating that:

[P]rovided that Defendant BP unequivocally agrees that it will not argue that the defect alleged by Plaintiffs is only tied to particular manufacturing plants, or that the effect of the alleged defect varies based on the plant of manufacture, or make similar arguments tied to the plant of manufacture, Plaintiffs do not have a sufficient need for additional evidence relevant to common defect to outweigh the burden of additional production of all German claims, as Plaintiffs now request.

(Dkt. 120 at 2.) On September 30, 2015, Plaintiffs filed a letter indicating that Defendant BP is unwilling to make this agreement and requesting that the Court order BP to produce all international warranty claims. On October 1, 2015, Defendant responded, offering to produce a random sample of 1,000 warranty claims for panels produced at its factories in Madrid and Bangalore. Defendant argues that such a production will provide Plaintiffs with statistically significant data for proof of common defect for panels produced at those factories. (See Harvey Decl. ¶¶ 6-7.) As to panels produced at Defendant's other two factories in Maryland and Sydney, Defendant argues that its production of claims from the United States and Australia is sufficient. (See *id.* ¶¶ 2-3.)

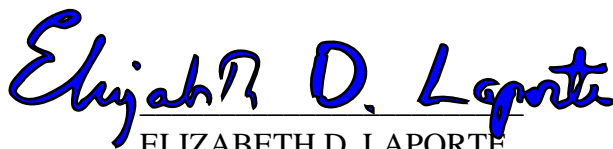
United States District Court  
Northern District of California

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Accordingly, if Plaintiffs oppose Defendant’s sampling proposal, they are ordered to file a response of no more than four pages outlining their objections, and a declaration explaining why Defendant’s proposal will not produce a statistically significant sample of warranty claims for proof of common defect if they dispute that contention. Any such opposition shall be filed no later than October 9, 2015. If Plaintiffs do not oppose Defendant’s proposal, the Parties are ordered to file a proposed order to that effect by October 13, 2015.

**IT IS SO ORDERED.**

Dated: October 5, 2015

  
ELIZABETH D. LAPORTE  
United States Magistrate Judge