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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERCEDES ALVAREZ, et al.,
Plaintiffs,
v.
FARMERS INSURANCE EXCHANGE,
Defendant.

Case No. [14-cv-00574-WHO](#)

**ORDER REGARDING DISCOVERY
DISPUTE**

Re: Dkt. No. 84

The parties have submitted a joint discovery dispute regarding defendant's requests for production to opt-in plaintiffs. Dkt. No. 84. The parties dispute whether defendants are entitled to production of documents from all opt-in plaintiffs (defendant's position) or production of documents from a sampling of opt-in plaintiffs (plaintiffs' position). I have reviewed the dispute. The telephone conference set for March 20, 2015 to discuss the dispute is VACATED.

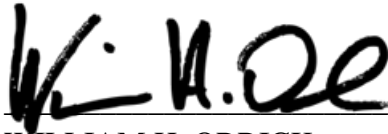
There are 311 opt-in plaintiffs. Plaintiffs offered to produce documents for five percent of the opt-in plaintiffs, and indicated their openness to produce documents from a larger representative sampling if defendant believed it necessary. Defendant has not demonstrated why it needs discovery from all of the opt-in plaintiffs. Discovery from 10% of the opt-in plaintiffs is sufficient to allow defendants to test plaintiffs' assertion that they are similarly situated, which is the reason defendant provides for the discovery at issue.

Accordingly, within 14 days, defendant shall select 10% of the opt-in plaintiffs who shall respond to the requests for production at issue. Within 30 days of that selection, those opt-in plaintiffs shall respond to the requests for production. Plaintiffs have apparently already responded to written discovery on behalf of two opt-in plaintiffs (and eight named plaintiffs). The 10% of opt-in plaintiffs includes the two for which plaintiffs have also responded. If there are 311

1 opt-in plaintiffs, defendant is entitled to documents from 31 opt-in plaintiffs. Since defendant
2 already received documents from two opt-in plaintiffs, 29 remain. If defendant determines that
3 discovery from 10% of the opt-in plaintiffs proves insufficient, and the parties cannot agree on
4 production from additional opt-in plaintiffs, the parties shall submit a joint statement to the Court
5 (subject to the rules governing joint discovery letters) stating their positions.

6 **IT IS SO ORDERED.**

7 Dated: March 19, 2015



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9 WILLIAM H. ORRICK
United States District Judge

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