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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE ROE,
Plaintiff,
v.
FRITO-LAY, INC.,
Defendant.

Case No. [14-cv-00751-HSG](#) (KAW)

**ORDER REGARDING 4/18/16 JOINT
LETTER RE: POTENTIAL FENTON
DEPOSITION**

Re: Dkt. No. 83

On April 18, 2016, the parties filed a joint discovery letter regarding whether Matthew Fenton, Defendant Frito-Lay’s employee, should have to undergo a deposition even though he has no recollection of interviewing Plaintiff. (Joint Letter, Dkt. No. 83.)

I. BACKGROUND

Plaintiff Jane Roe (a.k.a. Tanya Gippson) applied for a full-time packer position at Frito-Lay’s Modesto plant in late-2011. (Employment Application, Decl. of Matthew Fenton, “Fenton Decl.,” Dkt. No. 83-1, Ex. B at 5-7.) According to her personnel file, Plaintiff underwent a “Structured Interview” on December 15, 2011, which she passed. (2011 Application Checklist - Modesto, Fenton Decl., Ex. B at 4.) The next step on the Application Checklist is a background check, which was requested on January 10, 2012. *Id.* The background check was reviewed for discrepancies on January 23, 2012, which Plaintiff failed. *Id.* The next step on the Checklist is the “Leadership Interview,” which was conducted by Matthew Fenton on December 27, 2011. (Fenton Decl., Ex. A at 32.) Mr. Fenton’s notes indicate that Plaintiff failed the interview. *Id.* Notwithstanding the alleged failure, a criminal background check was performed two weeks later. (See 2011 Application Checklist at 4.)

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1 interview process, gained from conducting approximately 150 interviews during his six years as
2 Supply Chain Director at Frito-Lay, is surely relevant as well. (*See* Fenton Decl. ¶ 5.)

3 Accordingly, Defendant’s request to enjoin Mr. Fenton’s deposition is denied, and Plaintiff
4 is permitted to take the deposition of Mr. Fenton. The parties shall meet and confer regarding
5 scheduling, and any requests to continue any discovery deadlines should be directed to the
6 presiding judge.

7 IT IS SO ORDERED.

8 Dated: April 25, 2016


KANDIS A. WESTMORE
United States Magistrate Judge

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