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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH MONTGOMERY,
Plaintiff,
v.
UNITED AIR LINES, INC., et al.,
Defendants.

Case No. [15-cv-00459-VC](#)

ORDER RE VENUE DISCOVERY

Re: Dkt. No. 8

There is a threshold question whether this case is properly venued in the Northern District of California. The plaintiff alleges venue is proper under 42 U.S.C. § 2000e-5(f)(3) because the records related to the positions at Dulles Airport for which he applied are maintained and administered in Dublin, CA. But there is a fact question about whether the relevant records are (or were, at the time the plaintiff filed suit) truly "maintained and administered" in Dublin within the meaning of the statute. The plaintiff proposes serving six interrogatories and one request for production of documents to help reach resolution of this question. Given the need to resolve the venue question at the outset, the Court orders that discovery may proceed, with the plaintiff being permitted to serve some variation (hopefully a less sloppy variation) of the proposed six interrogatories and one request for production. However, no further discovery will be permitted without leave of the Court. The plaintiff shall serve these discovery requests no later than February 27, 2015. The responses are due no later than March 20, 2015. (The defendant is already on notice of what is being requested and can begin preparations to respond as early as today.)

Because there are 23 similar cases in this district (assigned to 11 different judges) and because the same venue question is presented in a chunk of these cases, the parties are encouraged to agree that the venue discovery conducted in this case may be used in the other cases.

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A further case management conference is scheduled for March 24, 2015 at 10:00 a.m. The defendant is not required to answer or otherwise respond to the fifth amended complaint until some time after the case management conference. If the defendant intends to continue to contest venue after discovery on the issue is complete, the Court is inclined to order that the defendant file a motion to transfer venue in early April.

IT IS SO ORDERED.

Dated: February 20, 2015



VINCE CHHABRIA
United States District Judge