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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ILWU-PMA WELFARE PLAN BOARD
OF TRUSTEES and ILWU-PMA
WELFARE PLAN,

No. C 15-02965 WHA

Plaintiffs,

v.

CONNECTICUT GENERAL LIFE
INSURANCE COMPANY; GREAT-WEST
LIFE & ANNUITY INSURANCE
COMPANY; and CAREWISE HEALTH,
INC., f/k/a SHPS HEALTH
MANAGEMENT SOLUTIONS, INC.,

**ORDER RE PLAINTIFFS'
DISCOVERY DISPUTE**

Defendants.

By letter dated February 17, plaintiffs ILWU-PMA Welfare Plan Board of Trustees and ILWU-PMA Welfare Plan request leave to brief the results of supplemental discovery taken pursuant to the Court's prior order granting in part plaintiffs' motion for sanctions against defendant Carewise Health, Inc. (Dkt. Nos. 110, 115 at 1-2). Carewise does not oppose this request (Dkt. No. 117 at 3). This order therefore **GRANTS** leave for each side to submit a supplemental brief by **MARCH 16 AT NOON**. Each supplemental brief shall not exceed **SEVEN PAGES** in length or include more than **25 PAGES** of attachments.

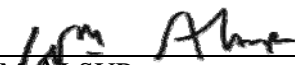
Plaintiffs, citing Federal Rule of Civil Procedure 26(e), also seek to compel Carewise to supplement its prior responses to certain interrogatories and requests for admission (Dkt. No. 115 at 2). Rule 26(e), however, requires a party to supplement discovery responses only if "the

1 additional or corrective information has not otherwise been made known to the other parties
2 during the discovery process or in writing” (or if otherwise ordered by the Court). *Oracle Am.,*
3 *Inc. v. Google Inc.*, No. C 10-03561 WHA, 2016 WL 5393938, at *7 (N.D. Cal. Sept. 27, 2016).
4 It does not require such supplementation based on “information eventually disclosed by
5 [Carewise] in response to Plaintiffs’ motion for spoliation sanctions” or “information learned
6 through the recent depositions” (*see* Dkt. No. 115 at 2). At best, this request is premature
7 because supplemental discovery remains ongoing. As such, it is **DENIED**.

8 Finally, plaintiffs request leave to serve additional written discovery upon Carewise,
9 complaining that Carewise has “resisted Plaintiffs’ informal requests for information and
10 documents” (which Attorney Nicole Teixeira for plaintiffs emailed to defense counsel) (*ibid.*).
11 Carewise states in its response that it “does not object to providing responses to the two
12 interrogatories stated in Ms. Teixeira’s January 25, 2017 email, and to providing the documents
13 requested therein . . . by the requested March 10, 2017 date” (Dkt. No. 117 at 3). Since the
14 parties seem to be in agreement on this issue, plaintiffs’ request is **DENIED**.

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16 **IT IS SO ORDERED.**

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18 Dated: February 22, 2017.

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21 WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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