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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAM VU,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, et al.,

Defendants.

Case No. [18-cv-03594-SI](#)

**ORDER RE DEFENDANTS’
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL AND THE PARTIES’
JOINT DISCOVERY DISPUTE
LETTER**

Re: Dkt. No. 53 & 57

On April 4, 2019, the parties filed a joint discovery dispute letter and defendants filed an administrative motion to file under seal. Dkt. Nos. 53 and 57. The dispute concerns a key witness in the case, Tamara Chukes, who was the claims investigator who met with plaintiff, surveyed plaintiff’s home, and ultimately denied plaintiff’s claim. Ms. Chukes has been out on medical leave for several months. On February 14, 2019, in response to a previous joint discovery dispute letter, this Court ordered that Ms. Chukes be produced for deposition sometime in April 2019 – when she was scheduled to return to work. Dkt. No. 50. Ms. Chukes’ medical leave has been extended again to May 7, 2019 with the possibility of being extended further. Defendants’ administrative motion includes an unredacted letter submitted only to the Court for in camera review – not provided to plaintiff’s counsel – that details the reasons for Ms. Chukes’ leave.

The Court has reviewed all the papers and finds the underlying reasons for Ms. Chukes’ medical leave are potentially relevant to the action. As such, the unredacted letter submitted to the Court on April 4, 2019 (Dkt. No. 57-5) should be served on plaintiff’s counsel pursuant to the Protective Order (Dkt. No. 45) and treated as confidential.

Ms. Chukes will not be required to testify in April, 2019. The deposition shall be reset for mid-late May, 2019 at a mutually agreeable time and place and with accommodations for Ms.

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Chukes, regardless of whether or not Ms. Chukes has returned to work, but presuming she is competent to testify.

Further, the mediation cutoff is extended to July 1, 2019.

IT IS SO ORDERED.

Dated: April 8, 2019



SUSAN ILLSTON
United States District Judge