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United States District Court
For the Northern District of California

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

CALIFORNIANS FOR DISABILITY RIGHTS,
et al.,

No. C 06-05125 SBA (MEJ)

ORDER RE DISCOVERY DISPUTE

Plaintiffs,

v.

CALIFORNIA DEPT OF TRANSPORTATION,
et al.,

Defendants.

On April 27, 2009, Plaintiffs and Defendants California Department of Transportation and Will Kempton (collectively, “Caltrans”) filed a joint letter regarding a discovery dispute over documents that Caltrans produced concerning new construction and alterations of roadways and pedestrian facilities. (Dkt. #306.) Specifically, Plaintiffs’ Third Request for Production of Documents Nos. 66-69 requested that Defendants produce documents related to sections of roadways and pedestrian facilities that have been newly-constructed or altered since March 22, 1988. One of the documents that Defendants produced in response is a list detailing “major projects” in chronological order from 1990 to present. In the version of the document that Defendants produced to Plaintiffs, Defendants redacted all information except that relating to a five-year period spanning 2001 to 2006.

Plaintiffs now seek an order from the Court requiring Caltrans to produce the redacted portions of the major projects list. In support, Plaintiffs argue that, contrary to Defendants’ prior

1 representation that producing the information contained in the major projects list from 1992 forward
2 would be unduly burdensome, Defendants have immediate access to such information, as evidenced
3 by the fact that they were able to print out a listing of projects dating from 1990 to the present.
4 Thus, Plaintiffs request that the Court order Defendants to produce a copy of the redacted portions of
5 the major projects list and the original electronic format of the entire database for the years 1990 to
6 the present.

7 Defendants, however, contend that the Court already considered Plaintiffs request at the
8 January 22, 2007 hearing. They point out that, at that time, the Court held that Defendants must
9 only produce documents from a five-year period preceding the initiation of this lawsuit. Defendants
10 assert that Plaintiffs are now improperly attempting to seek reconsideration of the Court's prior
11 order. Defendants also maintain that - as they previously indicated to the Court - compiling a list of
12 major projects from 1992 to present for each of the 12 districts would be unduly burdensome.
13 Defendants therefore urge the Court to deny Plaintiffs' requests.

14 The Court has considered the parties' arguments and agrees with Defendants. The Court
15 previously considered Plaintiffs' arguments on this issue during the January 22nd hearing. At that
16 time, the Court balanced Plaintiffs' proffered necessity for the information dating back to 1992 with
17 Defendants' burden of compiling and producing it. The Court concluded that Defendants need only
18 produce information for a period going back five years. Plaintiffs have not presented any
19 convincing arguments compelling the Court to reconsider or amend its prior ruling. Accordingly,
20 the Court **DENIES** Plaintiffs' requests to order Defendants to produce the redacted portions of the
21 document and to provide the original electronic format of the entire database.

22 **IT IS SO ORDERED.**

23
24 Dated: April 30, 2009



25 MARIA-ELENA JAMES
26 United States Magistrate Judge
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