

1
2
3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6
7

8 JANICE KENNEDY, Individually, and on
9 Behalf of Herself and All Others Similarly
Situating,

No. C-07-0371 CW

DISCOVERY ORDER RE: DKT #261

10 Plaintiff,

11 vs.

12 JACKSON NATIONAL LIFE INSURANCE
13 COMPANY, a Michigan corporation,

14 Defendant.
_____ /

15
16 The Court is in receipt of the parties' joint discovery dispute letter, dated July 28, 2010.

17 (Dkt. #261.) Upon review of the letter, the Court hereby ORDERS as follows:

- 18 1) The Court previously ordered Jackson to produce the documents that Kennedy requested in
19 regard to the written deposition. (Dkt. No. 224, Hearing Tr. 24:13-16.) As Kennedy
20 explained at the hearing, the purpose of the 30(b)6 notice was to determine the nature of the
21 notice in California and how it is actually attached to the California policies. *Id.* at 22:4-7.
22 As the policy may have changed over the course of the class period, *id.* at 23:18-19, Kennedy
23 shall produce exemplars of the notice as it was attached to the California policies, reflecting
24 changes made over the class period.
- 25 2) The requested policy exemplars, which would demonstrate the nature and presentation of the
26 30-day "free look" period, are relevant to Kennedy's allegations regarding adequate
27 disclosure, product design, and control over marketing materials and sales presentations.
- 28 3) Kennedy's request for sanctions is DENIED. As Jackson indicated, it intended to and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

believed that it did fully comply with this Court's previous order, thus making an award of expenses unjust. However, if Jackson fails to comply with this Order, the Court shall consider sanctions under Federal Rule of Civil Procedure 37. Plaintiff is reminded that sanctions motions must be filed separately and in compliance with Civil Local Rule 7.

IT IS SO ORDERED.

Dated: August 6, 2010



MARIA-ELENA JAMES
United States Magistrate Judge