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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 SONOMA COUNTY ASSOCIATION OF
12 RETIRED EMPLOYEES,

13 Plaintiff,

14 v.

15 SONOMA COUNTY,

16 Defendant.

Case No. 09-cv-04432 CW (NC)

**DISCOVERY ORDER DENYING
COUNTY'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS IN
RESPONSE TO REQUESTS NOS. 32,
34**

Dkt. No. 137

17
18 The question presented in this discovery dispute is whether plaintiff SCARE's
19 affiliation with two unions is relevant to this case. In document request number 32,
20 defendant Sonoma County seeks all documents after 1978 that "consist of, discuss, record,
21 or relate to" SCARE's affiliation with SEIU/SCOPE. As defined in the request,
22 "SEIU/SCOPE" means the Service Employees International Union, Local 708 and Local
23 1021, as successor unions to the Sonoma County Organization of Public Employees. In
24 document request number 34, the County seeks communications after 1978 between
25 SCARE and SEIU/SCOPE. Dkt. No. 137.

26 Under Federal Rule of Civil Procedure 26(b)(1), parties generally may discover any
27 nonprivileged matter that is relevant to any party's claim or defense. Upon a showing of
28 good cause, the Court may order broader discovery of any matter relevant to the subject

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DISCOVERY ORDER

1 matter involved in the action. “Relevant information need not be admissible at the trial if
2 the discovery appears reasonably calculated to lead to the discovery of admissible
3 evidence.” Fed. R. Civ. P. 26(b)(1).

4 The claims and defenses in this case do not need to be repeated here, as they are
5 known to the parties and were summarized in Chief Judge Claudia Wilken’s order granting
6 in part the County’s motion to dismiss the Second Amended Complaint. Dkt. No. 96.

7 Simply put, this is a case about post-retirement medical benefits allegedly promised
8 by the County to retirees through various Memoranda of Understanding (MOUs) and
9 County resolutions. SCARE has agreed to produce its communications with SEIU about
10 medical benefits provided by MOUs. Dkt. No. 137 at 4. The Court agrees those
11 communications are relevant. The County has not explained how the general relationship
12 between SCARE and the SEIU has any probative value to the claims and defenses in this
13 case. The County also has not explained the probative value of all communications after
14 1978 between SCARE and SEIU.

15 Because the County has not established the relevance of the documents it seeks in
16 requests number 32 and 34, its request to compel the production of responsive documents is
17 denied. As this is not a close call, the Court does not need to do a balancing inquiry under
18 Rule 26(b)(2)(C) to assess the benefit of the discovery against the burden of producing it.

19 Any party may object to this nondispositive order under Federal Rule of Civil
20 Procedure 72.

21 IT IS SO ORDERED.

22 Date: December 12, 2014


23 Nathanael M. Cousins
24 United States Magistrate Judge