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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN ALGEE,

No. C 11-0301 CW (MEJ)

Plaintiff,

**DISCOVERY ORDER**

v.

**Re: Dkt. No. 92**

NORDSTROM, INC.,

Defendant.

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The Court is in receipt of a joint discovery dispute letter from the parties regarding Defendant Nordstrom, Inc.'s interrogatories and requests for production related to the adequacy of putative class counsel Scott Cole and Associates. Dkt. No. 92. Nordstrom seeks documents related to Scott Cole's agreements with internet service providers related to advertisements of "pop-up" messages related to Nordstrom or Nordstrom employees. Upon review of the parties' letter, the Court DENIES Nordstrom's request. Although discovery into Scott Cole's agreements with internet service providers could possibly be seen as relevant to determination of its adequacy as class counsel, the Court finds that any such relevance is too limited to justify discovery. Further, this Court has already ordered production of advertisements on all social networking sites since 2008, *see* Dkt. No. 79, and Nordstrom admits that it already has evidence of what it contends was Scott Cole's misconduct.<sup>1</sup> Thus, in balancing the burden and expense of the discovery sought by Nordstrom, against the limited, non-merits based issue on which Nordstrom seeks it, the Court finds

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<sup>1</sup>Specifically, Nordstrom cites to Plaintiff's own deposition testimony, in which he states that he found his attorneys through an ad on Facebook, as well as a pop-up Facebook ad it claims was generated by SCA. Joint Letter at 2.

1 that Nordstrom has already been given ample discovery opportunities by which it may raise the issue  
2 of adequacy. *See, e.g., Walker v. Alta Colleges, Inc.*, 2010 U.S. Dist. LEXIS, at \*8-9 (W.D. Tex.  
3 July 6, 2010) (denying discovery requests given that defendants had already obtained relevant  
4 information). No further response is warranted.

5 **IT IS SO ORDERED**

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7 Dated: May 31, 2012

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10 Maria-Elena James  
11 Chief United States Magistrate Judge  
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