

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

3
4 BRIAN ALGEE, individually and on
5 behalf of all others similarly
6 situated,

6 Plaintiff,

7 v.

8 NORDSTROM, INC.,

9 Defendant.

No. C 11-301 CW

ORDER GRANTING IN
PART DEFENDANT'S
MOTION FOR RELIEF
FROM NON-
DISPOSITIVE
PRETRIAL ORDER OF
MAGISTRATE JUDGE
(Docket No. 86)

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11 Defendant Nordstrom, Inc. seeks relief from a non-dispositive
12 discovery order of the magistrate judge, requiring it to provide
13 responses to Plaintiff Brian Algee's request for "[a]ll documents
14 identifying third parties providing food supplies to the
15 California Nordstrom restaurants during the class period."

16 A magistrate judge's orders on non-dispositive pretrial
17 matters are reviewed using a clearly erroneous or contrary to law
18 standard. See 28 U.S.C. § 636(b)(1)(A); Federal Rule of Civil
19 Procedure 72(a).

20 Plaintiff contends that this information will help him
21 identify third party vendors who "would have information regarding
22 whether orders are received directly from a corporate office or
23 from the Executive Chef's [sic] themselves, whether Executive
24 Chefs all use standardized order forms, submit orders on the same
25 day, and the extent to which Executive chefs are able to order
26 unique ingredients." Suppl. Memorandum at 2. Plaintiff argues
27 that this is relevant to class certification, because it will
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1 assist him in evaluating the commonality of the evidence available
2 to him, and in demonstrating this to the Court. Id.

3 While this discovery is potentially relevant to the ultimate
4 merits of this case, the Court finds that Plaintiff's request for
5 production is overly broad and burdensome for the purposes of pre-
6 certification discovery. While Plaintiff states that he seeks
7 this material to identify third-party vendors, this request is not
8 narrowed to this task and the burden of production to comply fully
9 with the request appears high. Further, to the extent that
10 Plaintiff seeks information such as the use of standardized order
11 forms to order food supplies to support his arguments of
12 commonality and typicality in his class certification motion,
13 Plaintiff has propounded other requests for production that would
14 allow him to provide this information to the Court with that
15 motion. See, e.g., Pl.'s Request for Production No. 60
16 (requesting "[a]ll documents referring or relating to ordering
17 food supplies for California Nordstrom restaurants during the
18 class period").

19 IT IS SO ORDERED.

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21 Dated: 6/4/2012



CLAUDIA WILKEN
United States District Judge

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