

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

8 ROSS CORRIETTE,

No. C -11-01811 PJH (EDL)

9 Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION TO
COMPEL**

10 v.

11 UNILEVER,

12 Defendant.
13 _____/

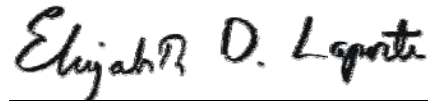
14 On January 7, 2014, Plaintiff Ross Corriette filed a motion to compel the production of
15 approximately 485 documents that Defendant claims are protected by privilege. Docket No. 90.
16 The District Court referred the motion to this Court on February 5, 2014. Docket No. 98. This case
17 is related to two others, Astiana v. Ben & Jerry's Inc., No. 10-4387, and Thurston v. Conopco, No.
18 10-4937. The District Court ordered in January of 2013 that class certification and dispositive
19 motions in Astiana would go forward first, and that a motions schedule in Corriette and Thurston
20 would be set after the Astiana motions were heard. No. 10-4387, Docket No. 109. The District
21 Court has denied class certification in Astiana, and Defendant in that case anticipates filing a motion
22 for summary judgment.

23 Plaintiff Corriette's motion to compel is very similar to a motion filed by Plaintiff Skye
24 Astiana in Astiana. The Court held a hearing on the Astiana motion on February 18, 2014, and
25 subsequently issued an order denying that motion to compel without prejudice until after the District
26 Court decided Defendant Ben & Jerry's' motion for summary judgment. No. 10-4387, Docket No.
27 213. At the hearing, the Court discussed with the parties and their counsel the possibility of cross-
28 production of documents in all three cases of documents ordered to be produced in Astiana.
Following the Court's order denying the Astiana motion to compel, the parties in all three cases filed

1 a stipulation, signed by the District Court, agreeing that: 1) Defendants would produce all
2 documents that the Court ruled were not subject to the attorney-client privilege or the work-product
3 doctrine in its December 17, 2013 order in Thurston and Corriette, without waiving their right to
4 appeal that order and the District Court's February 3, 2014 order affirming it; 2) to the extent
5 additional documents were ordered produced without time to take action because of discovery
6 deadlines, Defendants would not oppose Plaintiffs' motion for relief from any scheduling order; and
7 3) Plaintiffs would not argue that the production of documents the Court ordered to be produced
8 constitutes a waiver of any privilege or work-product protection. No. 10-4387, Docket No. 215.
9 The parties also stated that the Thurston and Corriette parties "wish to avoid the time and expense of
10 re-litigating the issues regarding Defendants' privileges raised in Ben & Jerry's motion to compel in
11 Astiana." Id. at 4. Because the parties are in agreement that the issues raised in the motions to
12 compel should be litigated only once, and this Court has ordered that it will address those issues
13 after the Astiana motion for summary judgment is decided, this Court hereby DENIES the motion to
14 compel, Docket No. 90, WITHOUT PREJUDICE.

15
16
17 **IT IS SO ORDERED.**

18
19 Dated: March 11, 2014



ELIZABETH D. LAPORTE
United States Chief Magistrate Judge