

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
28United States District Court
Northern District of California

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

**JOSE ENRIQUEZ and QUINN COLMENERO,
individually and on behalf of themselves
and those similarly situated,**

Plaintiffs,

vs.

**INTERSTATE GROUP, LLC; SHAWN LUTEYN;
and DOES 1 to 50,**

Defendants.

Case No.: 4:11-cv-05155-YGR

ORDER ON JOINT DISCOVERY LETTER BRIEF

On July 6, 2012, the Parties filed a Joint Discovery Letter Brief regarding Plaintiffs' Interrogatory No. 2, which requested the names, mailing addresses, and phone numbers of putative class members. Dkt. No. 41, "Joint Discovery Letter Brief" ("JDLB"). Defendants concede that such information must ultimately be provided but believe an "opt out" or "*Pioneer*" notice should first be sent to individuals whose information it must provide. *Id.* at 3; see *Pioneer Elecs. (USA), Inc. v. Superior Court*, 40 Cal. 4th 360 (2007). Defendant further requests that names and contact information provided in response to the interrogatory be "attorneys' eyes only." JDLB at 3.

Plaintiffs have conceded that they need only names and mailing addresses of putative class members; they do not seek telephone numbers. *Id.* at 4. In light of this concession, the Court finds *Pioneer*-style notices to be unnecessary. See *In re Autozone Wage & Hour Empl. Practices Litig.*, No. 10-md-02159 CRB (JSC), 2011 U.S. Dist. LEXIS 132973 at *4-5 (N.D. Cal. Nov. 17, 2011) ("[T]he Court is not persuaded that [disclosure of names and addresses of putative class members] constitutes

1 such a serious invasion of privacy that an "opt out" procedure is required, at least where Plaintiffs
 2 intend to use the information to contact the putative class member by mail."), *Alvarez v. Hyatt*
 3 *Regency Long Beach*, No. CV 09-03791-GAF (VBKx), 2010 U.S. Dist. LEXIS 99281 at *5 (C.D.
 4 Cal. March 2, 2010) ("[T]he Court is not persuaded that an opt-out system is necessary, both for
 5 pragmatic and legal reasons.").

6 The Court likewise denies Defendant's request for attorneys' eyes only protection. However,
 7 this order is without prejudice to any subsequent motion for a protective order made upon a showing
 8 of competent evidence that Plaintiffs have made, or will make, improper use of putative class
 9 members' names and/or addresses.

10 The Court hereby **ORDERS** Defendant to answer Plaintiff's Interrogatory No. 2, minus phone
 11 contact information.

12 This Order Terminates Docket Number 41.

13 **IT IS SO ORDERED.**

14 Dated: July 12, 2012

15 
 16 YVONNE GONZALEZ ROGERS
 17 UNITED STATES DISTRICT COURT JUDGE

18
19
20
21
22
23
24
25
26
27
28