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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAXINE DERRY, et al.,

No. C 12-1380 CW (MEJ)

Plaintiffs,

DISCOVERY ORDER

v.

Re: Docket No. 112

JACKSON NATIONAL LIFE INS. CO.,

Defendant.

_____ /

Pending before the Court is the parties' Joint Letter Brief Regarding Discovery Dispute, filed November 13, 2012. Dkt. No. 112. In the letter, Plaintiffs request an order compelling Defendant to answer Interrogatory No. 2, which asks Defendant to identify all policyholders who incurred a surrender charge during the relevant period, and Document Request No. 2, which seeks the same information. Because the Court finds the requested discovery will likely provide Plaintiffs an opportunity to present evidence as to whether a class action is maintainable, the Court GRANTS Plaintiffs' request for Defendant to identify all policyholders who incurred a surrender charge during the relevant period. *See, e.g., Algee v. Nordstrom, Inc.*, 2012 WL 1575314, at 4-5 (N.D. Cal. May 3, 2012). However, Defendant need only respond to Interrogatory No. 2; Plaintiffs' document request is unnecessarily burdensome at this stage of the litigation. The parties shall meet and confer to craft a protective order that limits the use of any contact information to the parties in this litigation and protects it from disclosure. The discovery is to be produced to Plaintiffs' counsel only and to be used only in this litigation. Under these circumstances, the potential privacy interests of putative class members are adequately balanced.

If Defendant contends that production shall be overly burdensome given the estimated number of putative class members, the parties shall meet and confer in person for the purpose of

1 determining a reasonable sampling limitation on the number of policyholders disclosed. If unable to
2 agree on a reasonable limitation, the parties shall file a joint letter, in compliance with the
3 undersigned's discovery standing order and limited solely to the issue of the number of policyholders
4 disclosed.

5 **IT IS SO ORDERED**

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7 Dated: November 19, 2012

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10 Maria-Elena James
11 Chief United States Magistrate Judge
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