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UNITED STATES DISTRICT COURT
Northern District of California

CHRISTIAN RUIZ BAPTISTE,

Plaintiff,

v.

LIDS; HAT WORLD INC,

Defendants, *et al.*,

No. C 12-05209 PJH (MEJ)

**DISCOVERY ORDER RE EMAILS
PRODUCED BY OSH**

[Dkt. Nos. 54, 58]

On October 28, 2013, Defendant Michael Somoon filed a letter regarding the three emails produced by Orchard Supply Hardware. Dkt. No. 54. Specifically, Defendant argues that pursuant to the Court's October 18, 2013 Discovery Order, Plaintiff must return the documents. In a separate letter, filed the same day, Plaintiff maintains that because "the documents constitute discriminatory animus toward's Plaintiff's protected class," he should not be required to return the emails. Dkt. No. 58. To resolve this dispute, Defendant requested that the Court conduct an in-camera review of the emails at issue, and Plaintiff subsequently filed the emails as attachments to his letter. After reviewing the emails and considering the parties' arguments, the Court finds that Plaintiff may retain the emails, as they fall within the bounds of discoverable evidence under Federal Rule of Evidence 401. Defendant may challenge the admissibility of such evidence and whether the emails support Plaintiff's claim of discrimination by objection or in its argument on summary judgment before the presiding judge.

IT IS SO ORDERED.

Dated: October 29, 2013



Maria-Elena James
United States Magistrate Judge