

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

SEAN L. GILBERT, et al.,
Plaintiffs,
v.
MONEYMUTUAL, LLC, et al.,
Defendants.

Case No. 13-cv-01171-JSW (LB)

DISCOVERY ORDER
Re: ECF No. 338

Interrogatory number 12 asks for the amount of money paid by each lender to Selling Source during the class period. At the June 21 hearing, Selling Source’s counsel described its platform for selling leads to lenders. It is an auction platform where lenders bid on “leads” and pay a per-lead dollar amount (such as \$50); the lenders then use the leads to sell loans and may or may not consummate a loan to a lead. Selling Source produced its contracts with the lenders, the leads sold to the lenders, and the sales amounts for the leads. This is sufficient.

The plaintiff essentially asked Selling Source to do the math. Apparently the information was produced in native-format spreadsheets. Selling Source said that its other records are (essentially) invoices to lenders that would have a total amount due for a particular time period, regardless of where the leads are located. An invoice thus would cover all sales of all leads in all states and would not be specific to California. The court agrees with Selling Source that this information is overbroad and is not readily capable of being parsed out to capture only California class members.

ORDER (No. 13-cv-01171-JSW)

1 The plaintiff's counsel asked only for "readily available" information; Selling Source represented
2 that it has produced what is readily available. Moreover, producing data in native format means
3 that the data is maintained in a database in a comma-delineated format that can be exported and
4 manipulated fairly easy (albeit probably with expert assistance). The court will not order Selling
5 Source to do more. That said, if Selling Source ever "does the math," then it must produce it to the
6 plaintiff's counsel.

7 As to the timing issues raised by the plaintiff's counsel at the hearing, Selling Source's counsel
8 represented that she was working diligently on the requests and estimated approximately two
9 weeks to finish the pending productions.

10 **IT IS SO ORDERED.**

11 Dated: July 21, 2016



LAUREL BEELER
United States Magistrate Judge