

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEONA MARINO,
Plaintiff,
v.
CACAFE, INC., ET AL.,
Defendants.

Case No. 16-cv-6291 YGR

**ORDER GRANTING IN PART AND DENYING
IN PART PLAINTIFFS' REQUEST TO COMPEL
FURTHER RESPONSES**

Re: Dkt. No. 112

The Court has reviewed the parties' joint discovery letter brief, filed November 27, 2017. (Dkt. No. 112, "Brief".) Based upon the arguments therein and the record in this action, the Court Orders that Plaintiff's request to compel further responses is **GRANTED IN PART AND DENIED IN PART**, as follows:

Plaintiff provides no justification for the 8-month delay in addressing the alleged inadequacy of defendant's document production. Accordingly, to the extent the letter brief seeks an extension on class certification briefing, such request is **DENIED WITHOUT PREJUDICE** to a more substantial showing of good cause.

Plaintiff's request is **GRANTED IN PART** as to the following information (identified at Brief 3:19-4:3) for all putative class members, specifically:

1. All emails dated between February 1, 2013, and December 31, 2016, in all four of the referenced email accounts, containing one of the 48 modified search terms in either the email's body or subject line, for all emails between: (i) CACafe, Costco, and/or CDS; and (ii) plaintiff and/or any ISD within the class definition.

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2. All emails in which “Costco” or “CDS” is part of the recipient and/or sender email address, and the email relates to: (i) the demonstration agreements and services between CACafe, Costco, and CDS; and (ii) the policies/procedures of CACafe, Costco, and/or CDS.

The Court **ORDERS** CACafe to produce the above documents **by December 22, 2017, or the promised date**, whichever is sooner. However, CACafe is not required to produce any responsive documents comprising earnings/commissions statements, payroll records, or similar financial information of putative class members who have not opted-in to the FLSA collective action by the date of production.

The demand for emails between CACafe and unnamed third party companies, such as Walmart, is **DENIED**.

This Order is without prejudice to any request to compel production of the requested information should a class be certified.

IT IS SO ORDERED.

This terminates Docket No. 112.

Dated: November 30, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE