

United States District Court
Northern District of California

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
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELLEN HARDIN,
Plaintiff,
v.
MENDOCINO COAST DISTRICT
HOSPITAL, et al.,
Defendants.

Case No. 17-cv-05554-JST (TSH)

DISCOVERY ORDER

Re: Dkt. No. 237

In ECF No. 237, the Court granted Defendants’ motion for reconsideration pursuant to Civil Local Rule 7-9(b)(2) of a portion of ECF No. 106. Because the parties’ briefing on the motion for reconsideration was all-or-nothing, the Court made some observations about subjects addressed in documents produced by Antelope Valley and Community Regional that could be sufficiently relevant to this action to warrant Defendants’ use of them notwithstanding Plaintiff Ellen Hardin’s privacy objections. The prior employers had produced hundreds of pages of documents, however, and the Court wanted to issue a precise order. Accordingly, the Court ordered the parties to meet and confer, and if they could not agree (they have not) to submit competing proposals by Bates number specifying exactly which pages in the document productions Defendants should be able to use. The Court ordered the parties to submit the letter brief by 3:00 p.m. today so that the Court could issue a follow-on order this afternoon in light of the depositions starting on Monday, *see* ECF No. 222, to which these documents are relevant. The parties have filed their joint brief, *see* ECF No. 248, and the Court has considered it.

Because it is important for the Court to issue this order today, the Court does not explain for each document why it does or does not agree with the request to use it. The Court’s order follows the reasoning set out in ECF No. 237 and the further arguments of the parties in the joint

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
28

letter brief. A detailed order explaining the Court’s decision as to each document could not feasibly be issued today.

The Court **ORDERS** that Defendants¹ may use the following documents, and no others, from the document productions of Antelope Valley and Community Regional:

Antelope Valley: AVH 1-7, 9-12, 17-26, 28-38, 40, 43-47, 60, 71, 74-76, 78-83, 85-93, 95-106, 109, 151-53.

Community Regional: CRMCHRD 1-16, 19-22, 29-41, 62-65, 166-94, 197-201, 207, 212, 214, 216, 218, 221, 226, 228.

IT IS SO ORDERED.

Dated: September 6, 2019


THOMAS S. HIXSON
United States Magistrate Judge

¹ Hardin can use them too, of course. Here, it is the Defendants who are making the request.