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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Darla Padgett, et al.,  
Plaintiffs,  
v.  
Brian Loventhal, et al.,  
Defendants.

NO. C 04-03946 JW

**ORDER OVERRULING PLAINTIFFS’  
OBJECTION TO RECOMMENDED  
DISCOVERY ORDER NO. 38; DENYING  
REQUEST FOR RECONSIDERATION**

The parties have been working through a Special Master to complete discovery. The Special Master has the authority to resolve all discovery disputes and to establish a procedure for identification and disclosure of privileged documents for the Court’s review. (See Order Appointing Tom Denver as Special Master, Docket Item No. 306.)

Presently before the Court is Plaintiffs’ Objection to Special Master’s Recommended Discovery Order No. 38 and Request for District Court to Reconsider Plaintiffs’ Motion for Further Discovery. (hereafter, “Objection,” Docket Item No. 580.)


In Discovery Order Number 38, the Special Master determined that a variety of discovery requests made by Plaintiffs were “unreasonably cumulative and duplicative, that Plaintiffs have had ample opportunity to obtain the information by discovery in the action and that the burden and expense of the proposed discovery outweighs its potential benefit.” (Discovery Order No. 38 at 9, Docket Item No. 575.) In doing so, the Special Master specifically evaluated each of the nearly twenty-five categories of additional discovery sought by Plaintiffs. (Id. at 3-9.) The Special Master

1 also ordered a reallocation of his fees in connection with Plaintiffs' motion for additional discovery.  
2 (Id. at 10.)

3 Plaintiffs object to Discovery Order Number 38 on the grounds that (1) Plaintiffs' request for  
4 discovery of permit and citation information was not overbroad and (2) the Special Master  
5 inappropriately ordered reallocation of fees. (See Objection at 2.)

6 Upon review of both the Special Master's Order and Plaintiffs' Objections, the Court finds  
7 that the Special Master's ruling is not an abuse of discretion. Accordingly, the Court **OVERRULES**  
8 Plaintiffs' Objection to Discovery Order Number 38.

9  
10 Dated: February 6, 2009

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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5 Thomas H R Denver [tdenver@mediationmasters.com](mailto:tdenver@mediationmasters.com)

6 **Dated: February 6, 2009**

**Richard W. Wieking, Clerk**

7 **By:           /s/ JW Chambers**  
8 **Elizabeth Garcia**  
9 **Courtroom Deputy**

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