



1 requests”).<sup>1</sup> Defendant Maxtor shall make documents responsive to the document requests available  
2 for plaintiffs to inspect and copy.

3 Rule 34 requires that the producing party make available to the requesting party responsive  
4 documents for inspection and copying. Fed. R. Civ. P. 34(a)(1)(A). It does not require that the  
5 producing party make copies for the requesting party. As such, plaintiffs may bring a copy machine  
6 to the inspection location. Defendant Maxtor shall produce responsive documents for inspection and  
7 copying “as they are kept in the usual course of business or must organize and label them to  
8 correspond to the categories in the request.” Fed. R. Civ. P. 34(b)(2)(E)(i).

9 In addition, plaintiffs’ document requests are defective. Rule 34 requires that document  
10 requests “specify a reasonable time, place, and manner for the inspection and for performing the  
11 related acts.” Fed. R. Civ. P. 34(b)(1)(B). No such specifications are contained in the documents  
12 requests.

13 The parties shall meet and confer on a mutually agreeable date and time for plaintiffs to  
14 inspect and copy the responsive documents, but in any event, no later than September 30, 2009. The  
15 parties may agree to limit inspection and copying to certain illegible documents.

16 IT IS FURTHER ORDERED that defendant Maxtor shall produce the contact information  
17 (including names and addresses) for consumers who have filed complaints with the company from  
18 January 1, 2004 to October 24, 2006 (the date on which above-captioned action was filed) regarding  
19 premature failures of their hard disk drives and lost data for the following product lines: (1) Maxtor  
20 One Touch I; (2) Maxtor One Touch II; (3) Maxtor One Touch III; (4) Maxtor Personal Storage  
21 3100; and (4) Maxtor Personal Storage 3200. Consumer complaints may also include, but are not  
22 limited to, bad clusters, bad sectors, partitioning and formatting problems, and drive recognition  
23 problems. *See, e.g., Martinet v. Spherion Atlantic Enterprises, LLC*, 2008 WL 2557490\*2 (S.D.  
24 Cal.)(limiting expansive scope of pre-class certification discovery requests for failure to demonstrate  
25 good cause). Indeed, plaintiffs themselves have agreed to limit the scope of their requests to  
26 complaints consistent with those made by the named plaintiffs. Reply at 9 (“Plaintiffs agreed to  
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28 <sup>1</sup> The holdings of this court are limited to the facts and particular circumstances underlying  
the present motions.

1 narrow the scope of their request to those consumers who filed complaints similar to those at issue in  
2 this action, i.e., those who have experienced data loss from Defendant's HDDs, in accordance with  
3 Defendant's parameters." Defendant Maxtor shall produce the consumer contact information no  
4 later than August 28, 2009. Plaintiffs shall bear the costs of the third-party administrator and  
5 administering notice.

6 In addition, the parties shall meet and confer on a proposed precertification notice to  
7 prospective class members. The proposed notice shall be consistent with the requirements set forth  
8 in *Pioneer Electronics (USA), Inc. v. Sup. Ct.*, 40 Cal. 4th 360, 367, 150 P.3d 198, 53 Cal. Rptr. 3d  
9 513 (2007).

10 IT IS SO ORDERED.

11 Dated: July 31, 2009

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge

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