

1 **\*\* E-filed March 12, 2010 \*\***

2

3

4

5

6

7 NOT FOR CITATION

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 YADIRA, et al.,

No. C08-05721 RMW (HRL)

12 Plaintiffs,

**ORDER GRANTING PLAINTIFFS'  
MOTION TO COMPEL**

13 v.

14 JESUS FERNANDEZ, et. al,

**[Re: Docket No. 19]**

15 Defendants.

---

16 Plaintiffs sued defendant Jesus Fernandez, the owner of Maria's Nightclub, Tony's Pool  
17 Hall, and Flamingo Nightclub, on behalf of themselves and a putative class of defendants' hourly  
18 employees for alleged violations of California and federal labor laws. Plaintiffs now move to  
19 compel Fernandez to provide further responses to interrogatories and requests for admission.  
20 Fernandez opposes the motion.<sup>1</sup> Pursuant to Civil Local Rule 7-1(b), the court finds the matter  
21 suitable for determination without oral argument, and the March 16, 2010 hearing is vacated.

22 The court's review of the interrogatories and requests for admission at issue in this motion  
23 shows that they are appropriate considering the nature of this case. The review also reveals that  
24 Fernandez's responses are insufficient under the circumstances. Fernandez's opposition does not

25 \_\_\_\_\_

26 <sup>1</sup> Initially, plaintiffs also moved to compel document production. After the parties' again met and  
27 conferred, plaintiffs sought, and the court granted, additional time for defendants to cure the  
28 deficiencies raised in plaintiffs' motion. (Docket Nos. 28, 30.) Plaintiffs then filed a supplemental  
brief informing the court that the parties had resolved the dispute as to the document requests, but  
that a dispute still existed concerning plaintiffs' interrogatories and requests for admission. (Docket  
No. 37.) Fernandez did not respond to plaintiffs' supplemental brief.

1 appear to dispute the relevance of the inquiries—and fails to address the requests for admission at  
2 all. Instead, he only argues that plaintiffs’ counsel agreed that documents could be produced in lieu  
3 of answering the interrogatories. (Opp’n 2.)

4           Nonetheless, plaintiffs aver that Fernandez’s belated document production was insufficient  
5 to answer their interrogatories or their requests for admissions. Fernandez did not file an opposition  
6 to plaintiffs’ current position. Accordingly, plaintiffs’ motion to compel is GRANTED. Fernandez  
7 shall provide complete responses to plaintiffs’ interrogatories and requests for admission within  
8 fourteen days of this order.

9           **IT IS SO ORDERED.**

10 Dated: March 12, 2010

  
\_\_\_\_\_  
HOWARD R. LOYD  
UNITED STATES MAGISTRATE JUDGE

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

**C 08-05721 RMW (HRL) Notice will be electronically mailed to:**

Adam Wang                    adamqwang@gmail.com, alpedersen@gmail.com, rosilenda@gmail.com  
Adam Lee Pedersen        alpedersen@gmail.com  
Robert David Baker        attyatlaw@earthlink.net

**Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.**