

1 the information Moua seeks is not relevant to any claims she could bring on their behalf.² IBM
2 asserts that Moua is proceeding only on the theory that she was misclassified as exempt under
3 California Labor Code Section 515 when she was in reality a nonexempt employee, and so any
4 violations she alleges stem only from that miscategorization. According to IBM, because Drury
5 and Lin were not exempt, and therefore not misclassified, any violations relating to Drury and Lin
6 are outside of the complaint and discovery of their records irrelevant.

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8 Moua's complaint primarily deals with her alleged misclassification and most of her claims
9 flow from that violation,³ such as her claims about IBM's failure to provide itemized wage
10 statements with accurate hours,⁴ failure to pay overtime,⁵ and failure to compensate her for meal
11 times she was not allowed to take.⁶ But as nonexempt employees, Drury and Lin likewise were
12 entitled to all of the protections of which Moua claims she was deprived because of her
13 misclassification.⁷ Judge Davila already has determined that Moua's complaint combined with her
14 letter to the Labor and Workforce Development Agency provides sufficient notice to IBM of the
15 class of employees Moua seeks to represent.

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17 IBM counters that Moua cannot use conclusory allegations in her complaint to "unlock the
18 doors of discovery."⁸ IBM is correct that pursuant to Fed. R. Civ. P. 8(a) and Fed. R. Civ. P. 12(b),
19 Moua's complaint may only survive a motion to dismiss if she pleads with sufficient particularity
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23 ² See Docket No. 105.

24 ³ See Docket No. 95 Ex. 1.

25 ⁴ See Cal. Labor Code § 226.

26 ⁵ See *id.* § 510.

27 ⁶ See *id.* § 226.7.

28 ⁷ See *id.* §§ 226, 226.7, 510.


⁸ See *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2006).

1 factual allegations that support her claim, and thereby move into the discovery phase of the case.⁹
2 But Moua is not defending her complaint in this court; she is seeking discovery on that complaint.
3 And as IBM highlights in its opposition, “[a] complaint guides the parties’ discovery, putting the
4 defendant on notice of the evidence it needs to adduce in order to defend against the plaintiff’s
5 allegations.”¹⁰ This court’s obligation is to assess whether pursuant to Fed. R. Civ. P. 26(b),
6 Moua’s requests are relevant to the claims in her complaint, not to determine beforehand the merit
7 of those claims. Here, through her second amended complaint and her letter to LWDA, she has
8 alleged that Drury and Lin suffered violations similar to those she suffered. Discovery of IBM’s
9 records of their wages and work hours therefore falls well within the broad scope of “relevance”
10 under Fed. R. Civ. P. 26(b).
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12 IBM shall produce the documents regarding Drury and Lin to Moua no later than seven
13 days from this order.

14 **IT IS SO ORDERED.**

15 Dated: March 20, 2013

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18 PAUL S. GREWAL
19 United States Magistrate Judge
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27 ⁹ See *id.*; *Jeske v. Cal. Dep’t of Corrections and Rehab.*, Case No. 11-cv-1838, 2012 U.S. Dist.
28 LEXIS 45508, *8-9 (E.D. Cal. Mar. 30, 2012) (applying *Iqbal* in dismissal of a similar case).

¹⁰ See *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1292 (9th Cir. 2000).