

United States District Court  
For the Northern District of California

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**\*E-FILED: January 2, 2013\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KAUFMAN & BROAD MONTEREY BAY, a  
California corporation; KB HOME SOUTH  
BAY, INC., a California corporation,

No. C10-02856 EJD (HRL)

**ORDER RE DISCOVERY DISPUTE  
JOINT REPORT #6**

Plaintiffs,

v.

**[Re: Docket No. 165]**

TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA,

Defendant.

TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA,

Counterclaimant,

v.

KAUFMAN & BROAD MONTEREY BAY, a  
California corporation; KB HOME SOUTH  
BAY, INC., a California corporation,

Counterdefendants.

In Discovery Dispute Joint Report (DDJR) #6, plaintiffs move for an order compelling defendant Travelers Property Casualty Company of America (Travelers) to produce documents responsive to Requests for Production Nos. 107, 108, 110, and 111. The matter is deemed suitable for determination without oral argument. Civ. L.R. 7-1(b). Having considered the parties' respective positions, this court denies plaintiffs' request for discovery.

1 Request Nos. 107 and 110 seek correspondence between Travelers and Norcraft  
2 Companies (Norcraft) re the Aldrich Action, as well as documents related to the settlement  
3 between Norcraft and the Aldrich plaintiffs. After plaintiffs initiated DDJR #6, Travelers says  
4 that it served supplemental responses to these requests, stating that it has produced “all non-  
5 privileged or non-protected documents responsive to this request presently within its  
6 possession, custody, or control.”<sup>1</sup> (Dkt. No. 165, DDJR #6 at p. 8). On the record presented, it  
7 is not clear what, if anything, remains to be produced in response to these requests. Plaintiffs’  
8 request to compel further discovery therefore is denied as moot.

9 As for Request No. 108 (“All documents showing the amount of defense fees and costs  
10 You have paid to defend Norcraft in the Aldrich Action”) and Request No. 111 (“All documents  
11 (other than documents involving attorney-client communications and which constitute attorney  
12 work product) related to Your efforts to obtain a settlement between Norcraft and the Plaintiffs  
13 in the Aldrich Action.”), plaintiffs have not convincingly demonstrated that the requested  
14 information is relevant or reasonably calculated to lead to the discovery of admissible evidence.  
15 FED. R. CIV. P. 26(b)(1). Additionally, the court finds that the likely benefit (if any) of the  
16 information sought is outweighed by the burden and expense that would be imposed. FED. R.  
17 CIV. P. 26(b)(2)(C)(iii). Plaintiffs’ request to compel discovery in response to these requests is  
18 denied.

19 SO ORDERED.

20 Dated: January 2, 2013

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23 HOWARD R. LOYD  
24 UNITED STATES MAGISTRATE JUDGE  
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<sup>1</sup> This court assumes that Travelers’ supplemental responses drop the objections that this court rejected in its June 2, 2011 discovery order (Dkt. No. 70).

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5:10-cv-02856-EJD Notice has been electronically mailed to:

A. Eric Aguilera eaguilera@aguileragroup.com, krickard@aguileragroup.com, travelers@aguileragroup.com

Bonnie Tara Roadarmel bonnie.roadarmel@ndlf.com

Caroline Elizabeth Siefert caroline.siefert@ndlf.com

Chanmaly Kendie Schlecht kendie.schlecht@ndlf.com

James Stephen Hultz james.hultz@ndlf.com

Kari Marie Myron kmyron@aguileragroup.com, krickard@aguileragroup.com, travelers@aguileragroup.com

Raymond Earl Brown rbrown@aguilergroup.com

Rondi Jan Walsh rondi.walsh@ndlf.com

Thomas Lether tlether@letherlaw.com, amccroan@letherlaw.com, eneal@letherlaw.com, kjohansen@letherlaw.com, lhartt@letherlaw.com, shavre@letherlaw.com

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