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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARISELA LOZANO,
Plaintiff,
v.
COUNTY OF SANTA CLARA,
Defendant.

Case No. [5:14-cv-02992-EJD](#)
**ORDER DENYING MOTION TO
COMPEL**
(Re: Docket No. 86)

Plaintiff Marisela Lozano moves to compel amended discovery responses from Defendant County of Santa Clara.¹ This discovery focuses on whether any of the Eligibility Worker training that Santa Clara contends that she must complete before returning to work has been validated within the meaning of the EEOC’s Uniform Guidelines on Employee Selection Procedures.² Lozano argues that whether the training has been UGESP-validated is relevant to a disparate impact theory of disability discrimination.³ But at oral argument earlier today, Lozano admitted that the complaint does not plead facts giving rise to a discrimination claim based on disparate impact, because the disparate impact theory arose during the course of discovery and she has not yet amended her complaint to include it.⁴


¹ See Docket No. 86.
² See *id.* at 4-11.
³ See *id.*
⁴ See Docket No. 91.

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With all the attention paid to the recent amendment to Fed. R. Civ. P. 26(b)(1) regarding proportionality, one might reasonably forget that relevance remains, well, relevant. Put simply, parties must still limit their discovery to claims and defenses at issue in the case. Unless and until Lozano amends her complaint, the UGESP discovery she seeks simply is not relevant to her claims. Lozano's motion to compel is DENIED.

SO ORDERED.

Dated: April 19, 2016



PAUL S. GREWAL
United States Magistrate Judge