

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STACY GUTHMANN,
Plaintiff,
v.
CC-PALO ALTO, INC. D/B/A VI AT
PALO ALTO, et al.
Defendants.

Case No. [5:16-cv-02680-LHK](#) (HRL)

**INTERIM ORDER RE DISCOVERY
DISPUTE JOINT REPORT NO. 3**

Re: Dkt. No. 44

In Discovery Dispute Joint Report (“DDJR”) #3, plaintiff seeks an order from the court compelling further responses to 59 Requests for Production of Documents (“RFPs”) and rulings on defendants’ objections thereto. (This is on top of the order plaintiff wants in DDJR #2 concerning a different set of RFPs, only coincidentally also 59 in number, that were insufficiently responded to by defendants.)

The parties acknowledge that DDJR #3 was hastily prepared in order to get it filed before expiration of the court’s deadline for submitting discovery disputes. Contrary to the court’s standing order, lead counsel did not meet and confer in person to attempt to work out their discovery disagreements. Even so, the parties report that counsel (perhaps lead counsel, perhaps not) continue to confer by telephone and intimate that progress is being made. Defendants report they continue to search for and produce responsive documents.

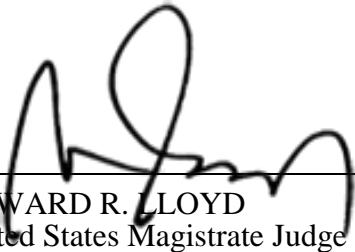
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The court concludes that this discovery dispute is not yet ripe for decision, and that the parties must continue their efforts to come to agreement. The parties shall no later than 4:00 PM on May 30, 2017 file a Supplement to DDJR #3 describing any remaining unresolved issues.¹ If any, then the court will hear the matter on May 31, 2017 at 1:30 p.m. Lead counsel must appear in person. The court will hear argument on the unresolved issues and make an appropriate order.

For the possible guidance of the parties in their continued meet and confer efforts, the court notes that, at least at first blush, the propounding of 238 RFPs looks like overkill. And, the temporal scope and breadth of some of the RFPs could, perhaps, reasonably be cut back. Although the plaintiff may be able to explain it, some areas of inquiry seem very far afield from what's relevant. The privacy "privilege," of course, is not absolute.

SO ORDERED.

Dated: May 24, 2017



HOWARD R. LLOYD
United States Magistrate Judge

¹ Furthermore, plaintiff shall lodge with chambers a new copy of Exhibit A which numbers the 157 pages consecutively and tabs its 3 sub-exhibits.

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5:16-cv-02680-LHK Notice has been electronically mailed to:

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