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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: MIDLAND CREDIT
MANAGEMENT, INC.,
TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

Case No.: 11md2286-MMA-MDD
Member Case Nos.: 15cv1479-MMA-
MDD and 15cv2282-MMA-MDD

**ORDER DENYING PLAINTIFF
BASHAM’S MOTION TO COMPEL
DISCOVERY**

[ECF No. 721]

Plaintiff Angela Basham (“Basham”) in member case numbers 15cv1479-MMA-MDD and 15cv2282-MMA-MDD moves to compel Midland¹ to supplement certain discovery responses. (ECF No. 721). Midland opposes Basham’s motion and moves to strike certain pages from her motion that it contends violate the protective order. (ECF No. 732).

Pursuant to the Court’s September 5, 2018 Order, Midland was required to produce certain “Plaintiff-specific information,” including a list of

¹ The Court refers to all Defendants in this case as “Midland.”

1 calls made to Basham on the accounts identified to cellular telephone
2 numbers identified by Basham, account notes or other records relating to
3 Basham's account, and any consent evidence currently in Midland's
4 possession. (ECF No. 608 at 4). Basham contends that Midland's production
5 of such information was insufficient.

6 Specifically, Basham avers that: (1) the call log produced by Midland to
7 Basham was incomplete because it "included only a partial list of telephone
8 calls, missing years" and it "had many sequencing errors"; (2) the documents
9 produced by Midland to Basham contained 31 pages that were either blank or
10 contained only a header; (3) the documents produced by Midland contained
11 some redactions; and (4) Midland did not provide employee names and
12 contact information "of each person who had any involvement in any effort on
13 behalf of defendant to collect or attempt to collect the debt which forms the
14 basis of [Basham's] action and the nature of any such involvement
15 undertaken by such person in behalf of defendant." (ECF No. 721 at 5, 8-9).

16 Midland opposes Basham's motion, contending: (1) it produced a call log
17 to Basham showing 39 calls to the numbers provided by Basham and there
18 are no other calls in it's records; (2) the blank pages are separator pages and
19 the pages containing headers and footers are not missing any information; (3)
20 the redactions are protected by the attorney-client privilege or work product
21 doctrines, or are covering highly confidential and irrelevant financial
22 information; and (4) Midland is not required to produce individual discovery,
23 such as the names and contact information of employees involved in
24 attempting to collect Basham's debt. (ECF No. 732 at 2-6). Further, Midland
25 argues Basham violated the protective order by not filing documents under
26 seal that were designated as "CONFIDENTIAL" or "ATTORNEYS EYES
27 ONLY." (*Id.* at 6). To remedy this error, Midland asks the Court to strike

1 pages 12 through 20 and 32 through 34 of Basham’s motion. (*Id.*).

2 Upon due consideration, the Court finds that Midland has sufficiently
3 shown the call log is complete, the blank pages and pages containing only
4 headers and footers are not missing any data or information, and that the
5 redactions are appropriate. Further, Midland is correct that Basham’s
6 request for employee names and contact information are outside the scope of
7 discovery in this multi-district litigation (“MDL”). (*See* ECF No. 608 at 6).
8 The Court explained that other than the discovery set forth in its September
9 5, 2018 Order, “no discovery is permitted at this time in connection with . . .
10 any member case in this MDL or any related case.” (*Id.* at 6).

11 Accordingly, the Court **DENIES** Basham’s motion. In addition, the
12 Court **STRIKES** ECF pages 12 through 20 and 32 through 34 of Basham’s
13 motions (11md2286-MMA-MDD, ECF No. 721 at 12-20, 32-34; 15cv1479-
14 MMA-MDD, ECF No. 41 at 12-20, 32-34; and 15cv2282-MMA-MDD, ECF No.
15 45 at 12-20, 32-34) pursuant to the protective order in this MDL. (ECF No.
16 609).

17 **IT IS SO ORDERED.**

18 Dated: December 20, 2019



Hon. Mitchell D. Dembin
United States Magistrate Judge