

**MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LONG v. DESTINATION MATERNITY CORP. ET AL

Case No.: 15cv2836 WQH (RBB)

Time Spent: 1 hr. 45 mins.

HON. RUBEN B. BROOKS

CT. DEPUTY VICKY LEE

Rptr. 1:32 p.m. – 2:48 p.m.

3:22 p.m. – 3:52 p.m.

Attorneys

Plaintiffs

Ashley Cruz

Defendants

Robert J. Hendricks

Alexis Gabrielson

PROCEEDINGS:

In Chambers

In Court

Telephonic

A hearing on Plaintiff’s “Motion to Compel Compliance with the Court’s Discovery Order and Request for Sanctions” (the “Motion to Compel”) [ECF No. 103] was held. For the reasons stated on the record, the Motion to Compel is **GRANTED in part and DENIED in part**.

The Motion to Compel as to interrogatory number 1 is **GRANTED**. To the extent it has not done so already, Defendant shall provide telephone numbers for putative class members Claudia Hernandez and Maria Zavala by April 7, 2017. If Defendant does not have telephone numbers for these two individuals, it must serve Plaintiff with a declaration from Aida Tejero-DeColli or another appropriate corporate representative stating under oath that it does not have this information in its possession, custody, or control after a diligent search and describe that search. The declaration must be served by April 7, 2017.

Plaintiff’s Motion to Compel as to request for production 29 is **GRANTED**. Defendant shall produce unredacted responsive documents to Long by April 7, 2017. The Motion to Compel as to request for production number 30 is **DENIED**. Plaintiff’s Motion to Compel as to requests for production 32, 35, 47, 49, 63, 66, and 71 is **GRANTED**. By April 7, 2017, Destination Maternity shall provide Long with an amended verification from Aida Tejero-DeColli or another appropriate corporate representative stating under oath that Defendant does not have responsive documents in its possession, custody, or control after a diligent search and describe that search.

The Motion to Compel a response to request for production number 45 is **GRANTED**. Destination Maternity shall produce the documents sought in this request no later than April 7, 2017. These documents must be produced without redactions. All excel spreadsheets previously provided to Long in response to this request for production shall be produced again with the prior redactions removed. Plaintiff’s Motion to Compel a response to request for production 50 is **GRANTED**. Defendant shall produce or make all responsive documents to this request available for inspection by April 7, 2017.

For requests for production 29, 45, and 50, the information shall be produced pursuant to the protective order in this case [ECF No. 52]. The term “Confidential Information” in paragraph one of the protective order is modified to include any “identifying and financial information for any covered employee of Destination Maternity during the covered period.” The use of this information is limited to the same extent as other confidential information and as described in paragraph seven and all other provisions of the protective order.

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Plaintiff's Motion to Compel as to the request for sanctions is **GRANTED in part and DENIED in part**. The request for monetary sanctions is **DENIED**. Nevertheless, the Court issues the following sanction against Defendant: By April 10, 2017, Destination Maternity shall file and serve a declaration by a senior corporate officer, signed under penalty of perjury, detailing the specific actions taken to comply with each discovery request for which relief was granted in this order.

In her Motion to Compel, Plaintiff also requests to extend Plaintiff's deadline for filing a motion for class certification; that request is **DENIED**.

DATE: March 29, 2017

IT IS SO ORDERED:


Ruben B. Brooks,
U.S. Magistrate Judgecc: Judge Hayes
All Parties of Record