

1 THE HONORABLE MARSHA J. PECHMAN

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7 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
8 WASHINGTON AT SEATTLE

9 YEDIDA KHADERA, et al.,

10 Plaintiffs,

11 v.

12 ABM INDUSTRIES INCORPORATED, et
13 al.,

14 Defendants.

NO. C08-0417 MJP

**ORDER GRANTING PLAINTIFFS'
MOTION TO EXTEND DEADLINE
FOR CLASS CERTIFICATION AND
GRANTING PLAINTIFFS' MOTION
TO COMPEL**

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16 This matter comes before the Court on Plaintiffs' motion to extend the class
17 certification deadline and motion to compel. (Dkt. Nos. 42, 44.) The Court has considered the
18 motions, the responses (Dkt. Nos. 85, 49), the replies (Dkt. Nos. 88, 52) and other pertinent
19 documents in the record. The Court GRANTS Plaintiffs' motion to compel and GRANTS
20 Plaintiffs' motion to extend the class certification deadline. The Court finds and orders as
21 follows:

- 22 1. The Court finds that Plaintiffs' interrogatories comply with Rule 33(a)(1)'s numerical
23 limit. Even if they were over the limit, the Court grants Plaintiffs leave to submit
24 additional interrogatories, limited to those interrogatories already presented.

25 Defendants argue that Plaintiffs have suffered no prejudice from the failure to respond
26 to interrogatories because responses were provided in the Rule 30(b)(6) deposition.

1 (Dkt. No. 85 at 5.) Defendant's argument is misplaced. Plaintiffs are entitled to the
2 requested discovery whether or not similar information can be gained using other
3 means. Moreover, receiving discovery in advance of a Rule 30(b)(6) deposition can
4 often be helpful in crafting questions for the deponent. Defendants are ordered to
5 provide responses to Plaintiffs' interrogatories within ten (10) days of this Order.

6 2. Defendants' boilerplate objections are inappropriate because it is impossible to
7 determine whether ABM has withheld documents based on a particular objection.
8 Defendants must revise their responses to include only those objections that fit the issue
9 they wish to preserve. Defendants must provide revised responses within ten (10) days
10 of this Order.

11 3. The Court finds that Plaintiffs have established good cause to extend the deadline for
12 submitting their class certification motion. Defendants' insufficient responses have
13 hindered Plaintiffs' efforts to develop the facts requisite for certification. Plaintiffs
14 indicate they can submit an amended motion for class certification twenty days after
15 ABM completes production. (Dkt. No. 52 at 1.) The Court has ordered Defendants' to
16 provide additional responses within ten days of this Order. As such, Plaintiffs'
17 amended motion for class certification will be due April 3, 2009. Court will issue an
18 amended case schedule reflecting the new deadlines.

1 4. Plaintiffs are entitled to fees and costs related to their motion to compel. The Court
2 asks Plaintiffs' counsel to submit a declaration describing the fees and costs requested.
3 The declaration should include counsel's hourly rate and a description of the amount of
4 time spent bringing the motion to compel.

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6 It is SO ORDERED.

7 The Clerk is directed to transmit a copy of this Order to all counsel of record.
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9 DATED this 4th day of March, 2009.
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