

1 The Honorable Marsha J. Pechman

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

10 STATE FARM FIRE AND CASUALTY, as
11 subrogee for Sandra J. Slisco,

12 Plaintiff,

13 v.

14 BROAN-NUTONE LLC a foreign limited
15 liability company, et al,

16 Defendants.

Case No. C08-0876 MJP

**ORDER GRANTING MOTION TO
COMPEL**

17 This matter comes before the Court on Plaintiff's motion to compel Defendants to
18 produce certain documents. (Dkt. No. 16.) The Court has considered the motion, the response
19 (Dkt. No. 17), the reply (Dkt. No. 20), and the documents submitted in support thereof. The
20 Court finds and orders as follows:

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- 22 1. Plaintiff's motion is GRANTED IN PART. Defendants must produce all documents,
23 from 1984 onward, related to allegations that a fire in one of its fans occurred as a
24 result of a crimp connection within a Broan fan's motor. If Defendants cannot
25 determine if a fire has occurred because of a crimped connection, all claims, from
26 1984 onward, involving fires in fans using crimped connectors must be produced.

1 Defendants must complete any such production within five (5) days of this Order.
2 The Court extends the June 1, 2009 discovery deadline for the purposes of this
3 production.

4 2. Defendants' counsel should not have directed Mr. Bakula not to answer deposition
5 questions on the basis of a pending motion for a protective order. (See Dkt. No. 20
6 at 2.) Plaintiff may depose Mr. Bakula again and Defendants must pay for any
7 expenses, including counsel's fees, for the second deposition. The Court directs
8 counsel to schedule and complete the deposition, either by telephone or in person by
9 July 8, 2009.¹ Plaintiff may submit a declaration in support of a fee award upon
10 completion of the deposition. The Court extends the June 1, 2009 discovery deadline
11 for the purposes of this deposition.

12 3. Defendants' motion for a protective order is DENIED. Defendants proposed
13 protective order is more restrictive than necessary and may preclude discovery of
14 relevant material.

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17 It is SO ORDERED. The Clerk shall transmit a copy of this Order to all counsel of
18 record.

19 Dated this 25th day of June, 2009.

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22 Marsha J. Pechman
23 United States District Judge

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26 ¹ This deadline exists to allow Plaintiff to complete its response to Defendants' motion for summary judgment by July 13, 2009.