

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 A.M.,

7 Plaintiff,

8 v.

9 VALVE CORPORATION, et al.,

10 Defendants.

C16-1166 TSZ

MINUTE ORDER

11 The following Minute Order is made by direction of the Court, the Honorable
12 Thomas S. Zilly, United States District Judge:

13 (1) Plaintiff's motion to compel, docket no. 39, is GRANTED in part and
14 DENIED in part as follows.

15 (a) As to Requests for Production Nos. 17, 19, 24, 27, 32, 33, 43, 44,
16 and 45, plaintiff's motion to compel is DENIED. Valve Corporation ("Valve")
has already produced all documents in its possession or control which relate to
17 plaintiff's communications to Valve about its unpaid volunteer translators.
Additional information concerning unpaid volunteer translators is not relevant to
18 plaintiff's claims or proportional to the needs of the case.

19 (b) As to Interrogatory No. 15, requesting the names, addresses,
20 positions held, dates on which the positions were held, and supervisors for all
individuals who worked as a translator, moderator, or administrator (whether paid
21 or unpaid) on the Steam Translation Server during the ten (10) year period prior to
the date on which Valve informed A.M. is was terminating her employment in
22 2016, plaintiff's motion to compel is GRANTED in part and DENIED in part. To
the extent it has not already done so, Valve is DIRECTED to provide the names,
23 positions, and contact information for individuals, other than unpaid volunteers,
who worked on the Steam Translation Server with Torsten Zabka or under his
supervision during the period of plaintiff's employment and complained of
discrimination or harassment. Except as granted, plaintiff's motion to compel a
response to Interrogatory No. 15 is DENIED.

1 (c) As to Request for Production No. 9, requesting the “complete
2 personnel files” for each individual identified in Interrogatory No. 15, plaintiff’s
3 motion to compel is DENIED. Plaintiff indicates that Valve has agreed to
4 supplement its response to Request for Production No. 25, which seeks documents
related to complaints of harassment or discrimination, and plaintiff has not shown
that additional information contained in the personnel files of non-parties is
relevant to claims or defenses at issue in this case.

5 (d) As to Request for Production No. 11, requesting the complete
6 personnel files of each person who filled job functions performed by plaintiff after
her termination, plaintiff’s motion to compel is DENIED.

7 (e) As to Request for Production No. 12, requesting all documents
8 related to any disciplinary action or warning related to performance or misconduct
9 for any circumstance in which Torsten Zabka was involved, plaintiff’s motion to
10 compel is DENIED. Valve has agreed to supplement its responses relating to
11 complaints of harassment or discrimination, Request for Production No. 25, and
12 disciplinary action taken against Torsten Zabka, Request for Production No. 13.
13 Plaintiff has not shown that additional documents are relevant to her claims or
14 Valve’s defenses.

11 (f) As to Request for Production No. 14, requesting all rosters
12 containing identifying and contact information for Steam Translation Sever
13 translators, moderators, or administrators (whether paid or unpaid) who have
14 worked with Torsten Zabka or under his supervision, plaintiff’s motion to compel
is DENIED. Production of “rosters” would be duplicative of information provided
pursuant to the Court’s ruling regarding Interrogatory No. 15.

15 (g) As to Request for Production No. 36, requesting documents or
16 communications in which a Valve employee or agent referred to plaintiff or any
17 other person as “tranny, transsexual, transgender, fag, it, or freak,” plaintiff’s
18 motion to compel is GRANTED in part and DENIED in part. To the extent such
19 documents have not already been produced,¹ Valve is DIRECTED to provide
20 responsive documents from 2012 to the present from Dina Nelson, Jenni Salmi,
and Torsten Zabka, the individuals who participated in the decision to terminate
plaintiff. Except as granted, plaintiff’s motion with respect to Request for
Production No. 36 is DENIED. Plaintiff has not alleged that during her
employment she was aware of harassment by individuals other than those for

21 ¹ Valve indicates that it has already produced responsive documents relating to plaintiff
22 from individuals with whom plaintiff most frequently worked during her time working for Valve
23 in Los Angeles. Valve has also informed plaintiff that it will search for and produce
communications from each of the employees who plaintiff claimed at her deposition made
harassing remarks in 2008 and 2009.

1 which Valve has proffered responses, or that other individuals engaged in
2 discriminatory conduct she must prove was motivated by animus towards gay or
3 transgender persons. As such, plaintiff has not met her burden of showing that the
4 additional communications are relevant to her claims.

5 (2) The Court DECLINES to award attorney's fees or costs to either party.

6 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
7 record.

8 Dated this 29th day of June, 2017.

9 William M. McCool
10 Clerk

11 s/Karen Dews
12 Deputy Clerk