

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRISTAL BOX ROBISON,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY, a foreign
insurer,

Defendant.

CASE NO. 23-cv-216

ORDER

1. INTRODUCTION

This matter comes before the Court on Plaintiff Kristal Box-Robison’s and Defendant Allstate Fire And Casualty Insurance Company’s motions to compel. Dkt. Nos. 24, 32. For the reasons explained below, the motions are GRANTED in part and DENIED in part.

2. BACKGROUND

A separately filed order this same day addresses Allstate’s summary judgment motion and the underlying facts of this case. Box-Robison moved to compel on November 6, 2023. Dkt. No. 24. She contends Allstate has failed to provide her with satisfactory responses to her written discovery despite discovery letters and

1 conferences. *Id.* at 2-3. On December 7, 2023, Allstate moved to compel. Dkt. No. 32.
2 Allstate argues Box-Robison’s responses to its written discovery are lacking and
3 self-serving. *See id.* Like Box-Robison, Allstate cites communications between the
4 parties regarding discovery disputes, including telephone calls, emails, discovery
5 letters, and conferences. *See* Dkt. No. 33.

6 3. ANALYSIS

7 3.1 Legal Standard.

8 Pretrial discovery is given “a broad and liberal treatment.” *Hickman v.*
9 *Taylor*, 329 U.S. 495, 507 (1947). Generally, “[p]arties may obtain discovery
10 regarding any nonprivileged matter that is relevant to any party’s claim or defense
11 and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). A party can be
12 compelled to produce documents and information, but the party seeking discovery
13 must first establish that its requests are relevant. *Mi Familia Vota v. Hobbs*, 343
14 F.R.D. 71, 81 (D. Ariz. 2022). The party resisting discovery must show why
15 discovery should not be allowed by “clarifying, explaining, and supporting its
16 objections.” *Brown v. Warner*, No. C09-1546RSM, 2015 WL 630926, at *1 (W.D.
17 Wash. Feb. 12, 2015). District courts have broad discretion in determining
18 relevancy and managing discovery. *Avila v. Willits Env’t. Remediation Tr.*, 633 F.3d
19 828, 833 (9th Cir. 2011); *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635
20 (9th Cir. 2005).

21 Under LCR 37(a)(1), parties must certify that they have met and conferred
22 before bringing a motion compel, including the “date, manner, and participants to
23

1 the conference.” The Court finds that Box-Robison and Allstate have satisfied the
2 conferral requirement under LCR 37(a)(1).

3 **3.2 Box-Robison’s motion to compel.**

4 At the start, Box-Robison moves to strike Allstate’s general objections.
5 Indeed, courts in this district disfavor the use of prefatory “general objections” that
6 lack any specificity and that are completely untethered from any discovery request.
7 *See, e.g., Homesite Ins. Co. of the Midwest v. Howell*, No. 2:21-CV-01389-JHC, 2022
8 WL 17601176, at *4 (W.D. Wash. Dec. 13, 2022); *BBC Grp. NV LLC v. Island Life*
9 *Rest. Grp. LLC*, No. C18-1011 RSM, 2019 WL 2326212, at *4 (W.D. Wash. May 31,
10 2019); *Weidenhamer v. Expedia, Inc.*, No. C14-1239RAJ, 2015 WL 1292978, at *7
11 (W.D. Wash. Mar. 23, 2015)). “Where the responding party provides a boilerplate or
12 generalized objection, the ‘objections are inadequate and tantamount to not making
13 any objection at all.’” *Herrera v. AllianceOne Receivable Mgmt., Inc.*, No. 14-CV-
14 1844-BTM (WVG), 2016 WL 1182751, at *3 (S.D. Cal. Mar. 28, 2016) (quoting
15 *Walker v. Lakewood Condo. Owners Ass’n*, 186 F.R.D. 584, 587 (C.D. Cal. 1999)).

16 Allstate has presented eight prefatory general objections in laundry-list
17 fashion that do not go to any particular discovery request. The objections are simply
18 boilerplate language that could be cut-and-pasted into any discovery response and
19 they are not enough to preserve any specific objections. Accordingly, the Court
20 **OVERRULES** Allstate’s General Objections No. 1-8.

21 Box-Robison carries the burden on her motion to compel, and part of that
22 burden is to “identify each disputed discovery request, the response to each request,
23

1 and an argument why the response is deficient.” *Rockemore v. Aguirre*, No. 5:21-
2 00550 VAP (ADS), 2022 WL 18397379, at *1 (C.D. Cal. July 1, 2022). Thus, the
3 Court will only consider the discovery requests Box-Robison specifically identifies in
4 her motion: Interrogatory No. 1, Request for Production No. 1, Request for
5 Production No. 19, Interrogatory No. 8, Interrogatory No. 9, Request for Production
6 No. 11, Interrogatory No. 17, and Request for Production No. 15. Dkt. No. 24 3-5.

7 **Interrogatory No. 1.** Box-Robison states that “Allstate has refused to
8 disclose any of the personnel files for the Allstate employees who handled Ms. Box-
9 Robison’s claim, documents relating to incentive and bonus programs.” Dkt. No. 24
10 at 8. Box-Robison’s Interrogatory No. 1 requests information related “to each
11 employee of defendant who adjusted, advised, consulted, investigated . . . or did any
12 work whatsoever regarding the claims made by Plaintiff . . .” Dkt. No. 25-2 at 4. In
13 response to Box-Robison’s Interrogatory No. 1, Allstate names two employees, Jodi
14 Patterson and Amy Brownell, and refers Box-Robison to “the claim file for Plaintiff’s
15 underinsured motorist (“UIM”) claim” that it purported to produce with its
16 responses. *Id.* at 5. Box-Robison does not detail why Allstate’s response to
17 Interrogatory No. 1 is insufficient, and therefore, this request is DENIED.

18 **Request for Production No. 1.** Box-Robison also requested documents
19 relating to each individual identified in Interrogatory No. 1, including, performance
20 evaluations, history of salary and promotions, “company or company sponsored
21 educational courses,” organizational charts, job descriptions, and “[l]etters of
22 complaint received by Defendant regarding the person.” Dkt. No. 25-2 at 5. Allstate
23

1 objected and stated, “Allstate is not producing any materials in response to this
2 request for production at this time.” Dkt. No. 25-2 at 6.

3 Box-Robison points out that Allstate “refused to disclose any of the personnel
4 files for the Allstate employees who handled” her claim. Dkt. No. 24 at 8. Allstate
5 argues Box-Robison seeks irrelevant information in the form of personnel files, and
6 identifies Jodi Patterson, Amy Brownell, and Rachelle Mead as “the only people
7 who took a substantive role in handling and evaluating Plaintiff’s UIM claim.” Dkt.
8 No. 28 at 5. Allstate did not identify Mead in its responses to Box-Robison’s
9 Interrogatory No. 1. *See* Dkt. No. 25-2 at 6. Allstate refused to produce any
10 documents for Patterson, Brownell, and Mead, whom Allstate appears to have failed
11 to initially disclose in response to Box-Robison’s Interrogatory No. 1. *See id.*

12 Box-Robison’s request is overbroad to the extent that it seeks the entire
13 personnel files of Patterson, Brownell, and Mead. Indeed, information about their
14 retirement benefits and healthcare or insurance status has no relevance to the
15 claims or defenses at issue. But documents that may be found in their personnel
16 files related to performance evaluations, promotions/demotions, educational courses
17 attended or reviewed, job descriptions, complaint letters, and reporting structures
18 have some tendency to prove or disprove Box-Robinson’s claims that Allstate
19 conducted an unreasonable investigation before “denying” her claim.

20 Thus, Box-Robison’s request to compel production in response to Request For
21 Production No. 1 is GRANTED in part. Allstate must produce documents for
22 Patterson, Brownell, and Mead in response to Request For Production No. 1.

1 **Request for Production No. 19.** Box-Robison requests employment records
2 for Jodi Patterson, including “[s]pecial achievement memos,” “[p]erformance
3 counseling memos,” “[p]erformance evaluations,” “training” and “education material
4 reviewed relative to UIM claims handling practices,” and “disciplinary
5 notices/actions/memos.” Dkt. No. 25-2 at 27. Allstate objected that Box-Robison’s
6 request was “overly broad, unduly burdensome, not proportional to the needs of the
7 case” and seeking irrelevant information, and stated it was not producing “any
8 documents in response to this request.” Dkt. No. 25-2 at 27-8. Allstate did not object
9 that this specific request is vague and has acknowledged that Patterson worked on
10 Box-Robison’s claim. *See* Dkt. No. 12. This request could lead to information
11 relevant to Box-Robison’s claim, including evidence of Allstate’s knowledge of
12 Patterson’s diligence in handling claims as well as her training for UIM claims.
13 Box-Robison’s request is GRANTED and Allstate must supplement its response to
14 the extent the requested documents exist and are in its possession.

15 **Interrogatory No. 8.** Box-Robison asks Allstate to list any lawsuit it has
16 been a party to in the last 10 years for “bad faith, consumer protection violations
17 and/or breach of contract relating to underinsured motorist (UIM) coverage . . .”
18 Dkt. No. 25-2 at 11. Allstate’s objection that Box-Robison requests irrelevant and
19 privileged information related to whether it has been a party to a lawsuit is not well
20 taken. The Court agrees, however, that the request is overbroad as written.

21 Accordingly, Box-Robison’s motion is GRANTED in part: Allstate must
22 identify the party names, cause number, and venue for all lawsuits filed in
23 Washington against Allstate involving bad faith, consumer protection violations or

1 breach of contract claims related to underinsured motorist (UIM) coverage from
2 February 10, 2017 (i.e., three years before Box-Robinson submitted her UIM claim)
3 to present. *See* Dkt. No. 12 at 2.

4 **Interrogatory No. 9.** Box-Robison asks Allstate to identify whether it has
5 “been the subject of any inquiry or complaint to or from the Office of the Insurance
6 Commissioner of the State of Washington relating to” UIM policies in the last ten
7 years. Dkt. No. 25-2 at 12. Allstate objected to this request, arguing the information
8 sought is publicly available. *Id.* at 13. But Allstate cannot avoid its discovery
9 obligations simply by stating that the information requested is publicly available.
10 *See Hill v. Asset Acceptance, LLC*, No. 13CV1718-BEN BLM, 2014 WL 3014945, at
11 *7 (S.D. Cal. July 3, 2014) (collecting cases). Box-Robison’s motion to compel
12 Allstate’s response to Interrogatory No. 9 is GRANTED.

13 **Request for Production No. 11.** Box-Robison requests a copy of “each and
14 every claim bulletin” that applied to the adjustment of her claims. Dkt. No. 25-2 at
15 20. She represents that Allstate promised to determine whether there were any
16 responsive bulletins. Dkt. No. 24 a 3-4. After arguing the term “claim bulletin” is
17 vague and ambiguous, Allstate states that no claim bulletins related to Plaintiff’s
18 claim exists and that Allstate stopped using them before Box-Robison’s claim. Dkt.
19 No. 28 at 10-11. Whatever the case may be, Box-Robison’s request to compel
20 Allstate’s response to Request for Production No. 11 is GRANTED, and Allstate
21 must update its response to Request for Production No. 11 as appropriate.

22 **Interrogatory No. 17.** In response to Box-Robison’s request for information
23 relating to Allstate’s use of “any computerized software or web based program for

1 any part of claims evaluations,” Allstate objects, including, because it purportedly
2 seeks “confidential, proprietary, and/or trade secret information.” Dkt. No. 25-2 at
3 23-24. In her motion, Box-Robison represents that Allstate, through counsel, stated
4 during a discovery conference that it “only uses Colossus and he promised to amend
5 this answer to reflect this. This has not been done.” Dkt. No. 24 at 4.

6 Allstate responds that Colossus is only “one of many tools” used by its
7 adjuster to evaluate Plaintiff’s claim and Plaintiff already knew about Colossus.
8 Dkt. No. 28 at 10. The Court finds that Box-Robison’s requested information could
9 lead to relevant information in support of her claim. Allstate fails to demonstrate
10 why Box-Robison does not have a right to the information requested in
11 Interrogatory No. 17. Thus, her request is GRANTED. The Court has already
12 entered the parties Stipulated Protective Order, which should shield any sensitive
13 or proprietary information from public disclosure. *See* Dkt. No. 22.

14 **Request for Production No. 15.** Box-Robison requested “copies of all
15 reports, evaluations or other output generated through the use of any computerized
16 software or web based program referenced in which were used in Plaintiff’s claims.”
17 Dkt. No. 25-2 at 24. Allstate incorporated its objection to Interrogatory No. 17 and
18 indicated that it attached “portions of the claim file for Plaintiff’s UIM claim.” *Id.*
19 The Court cannot discern why Box-Robison contends Allstate’s response remains
20 deficient, and therefore, her request to compel is DENIED.

21 **3.3 Allstate’s motion to compel.**

22 The Court turns to Allstate’s motion to compel:
23

1 **Interrogatory No. 2.** Allstate asked Box-Robison to “IDENTIFY all YOUR
2 HEALTH CARE PROVIDERS and pharmacies from January 1, 2012 to present who
3 provided YOU with any care . . . for any condition, injury, illness, or maintenance . .
4 .” Dkt. No. 33-1 at 5. While this request is vast, Box-Robison did not object that the
5 request is overly broad but referred Allstate to documents produced by stipulation
6 from third parties. *See id.* at 5-6. In its motion, Allstate argues that Box-Robison
7 has not fully responded to this request. Box-Robison claims, in part, that she
8 “cannot produce information about providers who do not exist.” Dkt. No. 34 at 12.
9 Box-Robison’s medical providers and pharmacies are relevant to Allstate’s defense,
10 and Box-Robison did not object to the scope of Allstate’s request. *See* Dkt. No. 33-1
11 at 5.

12 Allstate’s request is GRANTED. Box-Robison must identify all her medical
13 providers since January 1, 2012, to the extent there are any remaining providers to
14 list. If she asserts all providers have been identified in her initial and supplemental
15 responses, she must update her response to Interrogatory No. 2 to certify as much.

16 **Interrogatory No. 8 and Request for Production No. 24.** Box-Robison
17 did not object to Interrogatory No. 8, which asked her to identify and describe her
18 “damages, harm, or injuries . . . [she] contend[s] were caused by” Allstate. Dkt. No.
19 33-1 at 28. Box-Robison’s response is limited to explaining that her costs relate to
20 the expense of this lawsuit, such as witness fees, and lists Allstate’s settlement
21 offers. *Id.* at 29. Allstate contends Box-Robison’s response is incomplete, to which
22 Box-Robison responds that she has responded to the interrogatory and “[i]f a motion
23

1 to compel is granted, there's nothing more Plaintiff could produce." Dkt. No. 34 at
2 12.

3 Allstate's motion to compel a response to Interrogatory No. 8 and Request for
4 Production No. 27 is GRANTED. Box-Robison must supplement her response to
5 Interrogatory No. 8 to provide the requested information to the extent that it exists,
6 or certify that all responsive information has been produced.

7 **Interrogatory No. 12.** Allstate contends Box-Robison failed to respond fully
8 to Interrogatory No. 12, requesting information about her travel. Dkt. No. 32 at 10.
9 The Court disagrees and finds that Box-Robison has responded sufficiently to what
10 is otherwise an overbroad discovery request. Allstate may pursue more information
11 about Box-Robison's travels by deposing her or through other discovery devices.
12 Allstate's motion to compel a response to Interrogatory No. 12 is therefore DENIED.

13 **Interrogatory No. 15.** Allstate argues that Box-Robison did not sufficiently
14 respond to Interrogatory No. 15 because "she fails to disclose all of the days, times,
15 hours worked, or her responsibilities and activities with the children." Dkt. No. 32
16 at 10. Except for "hours worked," Allstate contends that Box-Robison did not
17 respond to this request. *See id.* Allstate's request is GRANTED in-part; Box-Robison
18 must update her response to Interrogatory No. 15 to include the number of hours
19 worked in her response.¹

20
21
22 ¹ Allstate cites to its Interrogatory No. 13, but it does not appear to be arguing for a
23 response from Box-Robison for this specific Interrogatory. The Court therefore does
not consider Interrogatory No. 13.

1 **Requests for production 2-7, 17-20, 23-24, 27-29, 44.** Without identifying
2 the specific deficiencies in Box-Robison’s response to specific requests for
3 production, Allstate broadly argues that the Court should compel Box-Robison to
4 “produce photos, videos, and social media [that] relate to, support, or refute her
5 alleged damages or that relate to her travel, hobbies, and daily life.” Dkt. No. 32 at
6 10. Allstate argues that Box-Robison could respond to this request by simply
7 “hav[ing] an e-discovery vendor access her phone, social media accounts, and other
8 relevant devices and electronic storage accounts to collect and produce photos,
9 videos, and social media responsive to Allstate’s Requests for Production.” Dkt. No.
10 32 at 13.

11 Box-Robison argues in response that Allstate’s requests are a “fishing
12 expedition,” amount to harassment, and Box-Robison’s “unfettered access to her
13 digital life” is “an overly broad discovery request that violates the fundamental
14 right of privacy guaranteed by the United States Constitution.” Dkt. No. 34 at 13.

15 “Although a general right to privacy may be raised in response to discovery
16 requests, the federal right to privacy ‘is not an absolute bar to discovery.’” *Freitag v.*
17 *La Jolla Bridge, LLC*, No. 3:21-CV-01642-LAB-AHG, 2022 WL 2079447, at *5 (S.D.
18 Cal. June 9, 2022) (quoting *G&G Closed Cir. Events, LLC v. Cal. Ctr. for the Arts,*
19 *Escondido, Found.*, No. 20-CV-2137-JLS-NLS, 2021 WL 4690503, at *3 (S.D. Cal.
20 Oct. 7, 2021). Box-Robinson, however, is right about the rest—Allstate’s requests
21 are overly broad and must be narrowed.

22 The Court reserves ruling on Allstate’s motion to compel Box-Robison’s
23 response to requests for production nos. 2-7, 17-20, 23-24, 27-29, 44, and ORDERS

1 the parties to confer about these requests to reasonably narrow the scope of the
2 discovery sought. The parties' failure to proceed within the discovery rules may
3 result in sanctions.

4 It is so ORDERED.

5 Dated this 29th day of March, 2024.

6 

7 _____
8 Jamal N. Whitehead
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23