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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 POINT RUSTON, LLC; MICHAEL A.  
9 COHEN; and SILVER CLOUD, INC.,

10 Plaintiffs,

11 v.

12 PACIFIC NORTHWEST REGIONAL  
13 COUNCIL OF THE UNITED  
14 BROTHERHOOD OF CARPENTERS  
15 AND JOINERS OF AMERICA; JOBS  
16 WITH JUSTICE EDUCATION FUND  
17 OF WASHINGTON STATE, a non-profit  
18 corporation; JIMMY MATTA,  
19 individually and as a representative of the  
20 Regional Council; JIMMY HAUN,  
21 individually and as a representative of the  
22 Regional Council; JACOB CARTON,  
23 individually and as a representative of  
24 Jobs With Justice; ADAM HOYT,  
25 individually and as a representative of  
26 Jobs With Justice; and Does 1-50,

27 Defendants.

CASE NO. C09-5232BHS

ORDER DENYING  
PLAINTIFFS' MOTION TO  
COMPEL DOCUMENTS IN  
RESPONSE TO PLAINTIFFS'  
FIRST REOUEST FOR  
PRODUCTION OF  
DOCUMENTS TO  
DEFENDANTS PACIFIC  
NORTHWEST REGIONAL  
COUNCIL OF THE UNITED  
BROTHERHOOD OF  
CARPENTERS AND JOINERS  
OF AMERICA. JIMMY MATTA,  
AND JIMMY HAUN

21 This matter comes before the Court on Plaintiffs' motion to compel production of  
22 documents (Dkt. 77). The Court has considered the pleadings filed in support of and in  
23 opposition to the motion and the remainder of the file and hereby denies the motion for  
24 the reasons stated herein.

25 **I. ASSOCIATIONAL PRIVILEGE**

26 On September 10, 2009, Plaintiffs filed their motion to compel production of  
27 documents. Dkt. 77. Defendants Pacific Northwest Regional Council of the United  
28 Brotherhood of Carpenters and Joiners of America, Jimmy Matta, and Jimmy Haun

1 (hereinafter referred to as “Carpenters”) filed a response on September 21, 2009. Dkt. 81.  
2 On September 25, 2009, Plaintiffs filed a reply. Dkt. 86.

3 Plaintiffs made several requests for documents relating to Carpenters’  
4 “demonstration and picketing activities.” Dkt. 77 at 2. Carpenters refused to disclose the  
5 requested documentation on the basis that such production “calls for a legal conclusion  
6 because it seeks an admission that Defendants have engaged in ‘picketing.’” *Id.* at 3  
7 (citing Hunt Decl., Ex. 3, Resp. to Req. Nos. 1-5, 7-8, 14-24, 29, 31, 24-27, and 41-43).  
8 Plaintiffs claim that they did not request this information to establish any admission by  
9 Carpenters or to draw any legal conclusions. Dkt. 77 at 4.

10 Federal Rule of Civil Procedure 26(b)(1) provides:

11 Parties may obtain discovery regarding any nonprivileged matter that is  
12 relevant to any party’s claim or defense . . . . Relevant information need not  
13 be admissible at the trial if the discovery appears reasonably calculated to  
14 lead to the discovery of admissible evidence. . . .

15 Carpenters assert no such privilege, and the materials requested appear relevant to  
16 Plaintiffs’ claim(s).

17 Therefore, while the Court will not order Plaintiffs to agree that they will  
18 not use the information to imply an admission by Carpenters, or a legal conclusion,  
19 it will note that Carpenters are simply providing Plaintiffs responsive,  
20 nonprivileged documents to a discovery request, nothing more. *See* Fed. R. Civ. P.  
21 26(b)(1).

## 22 **II. ELECTRONIC DISCOVERY**

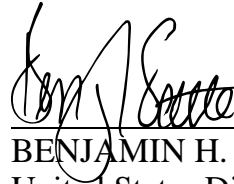
23 The parties’ pleadings also discuss the need to conduct e-discovery in this  
24 case. *See* Dkts. 77, 81, 86. The Court directs the parties to meet and confer in good  
25 faith and develop a plan going forward with respect to any e-discovery needs in  
26 this case.  
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**III. ORDER**

Therefore, it is hereby **ORDERED** that Plaintiffs' motion to compel is **GRANTED**, and the parties are directed to proceed as stated herein.

DATED this 30<sup>th</sup> day of September, 2009.



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BENJAMIN H. SETTLE  
United States District Judge