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1 Plaintiffs Kaeli Garner, Mark Fladd, Stephanie Fladd, Jodi Brust, John Dannelly, Diane  
2 McNealy, Michael McNealy, Lisa Hovasse, Sandra Mirabile, Ricky Babani, Susan Lenehan,  
3 Jeffrey Hoyt, Lorlie Tesoriero, James Robinson, Rosa Comacho, Eric Dlugoss, Julie Dlugoss,  
4 Ronald Johnson, Selena Johnson, Caron Watkins, and Kelly Miller (collectively, “Plaintiffs”)  
5 respectfully submit this memorandum of law in support of this motion, pursuant to L.C.R. 37(a),  
6 to compel discovery responses from Amazon.com, Inc. and Amazon.com Services LLC  
7 (collectively, “Defendants”).

8 Pursuant to L.C.R. 37(a)(1), Plaintiffs met and conferred with Defendants to discuss their  
9 responses and objections to Plaintiffs’ First Set of Requests for Production on April 12, 2022, April  
10 19, 2022, and May 18, 2022. Counsel for Plaintiffs and Defendants (collectively, “the Parties”)  
11 met and conferred by telephone in an effort to efficiently resolve Defendants’ objections to every  
12 request without the need for Court intervention. After over six hours of telephonic conferences,  
13 and several rounds of e-mails and letters, the Parties were able to make some progress. However,  
14 there are several ongoing disputes regarding Defendants’ remaining objections, which the Parties  
15 have been unable to resolve. Now at an impasse, Plaintiffs seek an Order from the Court overruling  
16 Defendants’ improper objections and compelling Defendants to properly respond to Plaintiffs’  
17 Requests.

## 18 I. INTRODUCTION

19 As this case enters its second year, Defendants have yet to provide almost any discovery  
20 in this matter. The Court’s Order Setting Discovery and Pretrial Dates (ECF No. 72), entered on  
21 February 18, 2022, calls for a close of fact discovery on December 16, 2022. Given that this  
22 deadline is just six and a half months away, time is of the essence.

23 Plaintiffs view the need for efficient discovery as a critical component of this litigation and  
24 have diligently sought relevant documents from Defendants and third-parties. Defendants,  
25 however, have taken a contrary position from the start. Defendants first sought to delay discovery  
26 by filing a Motion to Stay all Discovery Pending Decision on Amazon’s Motion to Dismiss. ECF

1 No. 73. The Court denied this motion signaling that discovery should proceed in full force. ECF  
2 No. 79.

3 Despite the Court's Order, Defendants continue to improperly cause delay. For example,  
4 on February 4, 2022, Plaintiffs served their first Requests for Production ("RFPs" or "Requests"  
5 or "RFP Set 1"), seeking relevant information tied to the claims and potential defenses in this  
6 action. *See* Shelquist Decl. Ex. A. Waiting until March 7, 2022, Defendants served their responses  
7 and objections ("R&Os") to RFP Set 1, in which they refused to provide any responsive documents  
8 to any of Plaintiffs' Requests, and asserted approximately fifteen objections, generally and  
9 specifically, to every Request. *See* Shelquist Decl. Ex. B.

10 Defendants' R&Os are deficient for several reasons, which Plaintiffs highlighted in a letter  
11 to Defendants dated March 28, 2022. *See* Shelquist Decl. Ex. C. Additionally, Plaintiffs requested  
12 to meet and confer with Defendants in an attempt to resolve these issues. Defendants provided  
13 their reply to Plaintiffs' March 28, 2022 letter on April 11, 2022 ("Defendants' April 11, 2022  
14 letter"), in which they revised some of their objections. *See* Shelquist Decl. Ex. D.

15 For over three months, the Parties have engaged in numerous, lengthy discussions  
16 concerning RFP Set 1. While some progress has been made, several foundational issues remain.  
17 The issues include: (i) Plaintiffs' entitlement to "all documents and communications" responsive  
18 to relevant Requests; (ii) the relevant time period ("Relevant Time Period") governing the  
19 Requests; and (iii) the definition of third parties. Plaintiffs seek Court intervention to resolve these  
20 issues to allow discovery to go forward.

## 21 **II. LEGAL STANDARD**

22 A party may obtain discovery regarding any non-privileged matter that is relevant to any  
23 claim or defense. Fed. R. Civ. P. 26(b)(1). In responding to a request for the production of  
24 documents, the responding party "must either state that inspection and related activities will be  
25 permitted as requested or state with specificity the grounds for objecting to the request, including  
26 the reasons." Fed. R. Civ. P. 34(b)(2)(B). If the responding party objects, the objection "must

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