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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN VILLALOVOS-GUTIERREZ, et  
al.,

Plaintiffs,

v.

GERARD VAN DE POL, et al.,  
Defendants.

2:24-cv-2305-DJC-CKD

ORDER AND

ORDER TO SHOW CAUSE

Presently before the court is plaintiffs’ motion for an order to show cause why defendant G& H Dairy should not be held in contempt. (ECF No. 32.) The court previously found this motion suitable for decision without oral argument under Local Rule 230(g).

For the reasons set forth below, the motion is denied without prejudice to the extent plaintiffs request sanctions in the form of contempt proceedings, an order that facts be designated as established, and an order prohibiting defendant from opposing Rule 23 class certification. Thus, the request for attorney fees for plaintiffs to bring the present motion is also denied. The undersigned reserves ruling on the request for attorney fees for plaintiffs’ initial motion to compel. In addition, defendant is ordered to show cause in writing within 7 days why other sanctions should not issue, and in that written response defendant G & H Dairy shall provide the status of document production.

1           **I.       Background**

2           Plaintiffs are former dairy workers alleging violations of federal and state employment  
3 and housing laws. (See ECF No. 1, Complaint.) On behalf of themselves and others similarly  
4 situated, plaintiffs assert defendants provided unlawful housing conditions, discriminated, paid  
5 unlawful wages, and denied meal and rest breaks, among other violations. (Id.) Plaintiffs also  
6 assert claims under the California Private Attorney Generals Act. (Id.) Defendants deny the  
7 allegations of wrongdoing. (ECF No. 10.)

8           On December 3, 2025, the undersigned granted plaintiffs’ motion to compel and ordered  
9 defendant G & H Dairy to produce responsive documents and serve amended responses. (ECF  
10 No. 29 at 6.) Plaintiffs filed their motion for order to show cause on January 14, 2026. (ECF No.  
11 32.) They ask the court to set a show cause hearing and make recommendations to the district  
12 judge for entry of sanctions including contempt sanctions. (Id. at 4-5.) Defendant G & H Dairy  
13 opposed the motion and plaintiffs filed a reply. (ECF Nos. 36, 37.)

14           This case is currently in the pre-certification stage. Plaintiffs recently sought and were  
15 granted an extension of time to file their motion for class certification. (ECF No. 35.) Under the  
16 court’s current schedule, plaintiffs may file such a motion within 30 days after the date  
17 defendants provide complete discovery responses previously ordered. (Id.)

18           **II.       Legal Standards**

19           “[C]ourts have inherent power to enforce compliance with their lawful orders through  
20 civil contempt.” Spallone v. United States, 493 U.S. 265, 276 (1990) (quoting Shillitani v. United  
21 States, 384 U.S. 364, 370 (1966)). Under 28 U.S.C. § 636, the role of the undersigned magistrate  
22 judge is to investigate whether further contempt proceedings are warranted and certify any such  
23 facts of contempt to a district judge. See 28 U.S.C. § 636(e); Bingman v. Ward, 100 F.3d 653,  
24 656-57 (9th Cir. 1996).

25           “The standard for finding a party in civil contempt is well settled: The moving party has  
26 the burden of showing by clear and convincing evidence that the contemnors violated a specific  
27 and definite order of the court.” F.T.C. v. Affordable Media, 179 F.3d 1228, 1239 (9th Cir. 1999)  
28 (quoting Stone v. City of San Francisco, 968 F.2d 850, 856 n.9 (9th Cir. 1992)). Once the moving

1 party meets its burden, “[t]he burden then shifts to the contemnors to demonstrate why they were  
2 unable to comply.” Id. The failure to obey a court order regarding discovery may be treated as  
3 contempt of court. Fed. R. Civ. P. 37(b)(2)(A)(vii).

### 4 **III. Discussion**

5 Plaintiffs argue defendant G & H Dairy has failed to comply with the court’s order of  
6 December 3, 2025. The court’s order required responsive documents be served for discovery  
7 requests 1-6, 8, 10, 11, 14-17, 19, 27-28, 31, and 33-34. (ECF No. 29 at 6.) The required  
8 document production included personnel, payroll, timekeeping and housing records for plaintiffs  
9 and putative class members. (Id. at 2-5.) The court ordered that responsive documents and  
10 amended responses be provided within 14 days after entry of a protective order for the protection  
11 of confidential or private information. (Id. at 6.)

12 Plaintiffs state defendant produced only five employees’ partially-redacted payroll records  
13 before the end of the 14-day deadline, whereas compliance with the order would have required  
14 production of full timekeeping records for the estimated 90 class members. (ECF No. 32-1 at 1.)  
15 Plaintiffs further indicate responses were redacted to remove the contact information, including  
16 address information, precluding plaintiffs from contacting the putative class members and  
17 obscuring whether the class members resided in employer-housing. (Id. at 2.) In addition to  
18 contempt sanctions, plaintiffs appear to seek an order that unspecified facts be designated as  
19 established, attorney’s fees for the original motion to compel and the present motion for an order  
20 to show cause, and/or an order excluding defendant from opposing Rule 23 class certification of  
21 the claims in this proceeding based on discovery abuses. (Id. at 4-5.)

22 Defendant opposes the motion, asserting plaintiffs were driven to file because of class-  
23 certification timing. (ECF No. 36 at 11-14, 17.) Defendant denies delaying or withholding  
24 discovery but implicitly acknowledges it has not timely completed production in compliance with  
25 the order. Defendant nevertheless argues the production timeline reflects ongoing substantial  
26 compliance, and thus that contempt and other sanctions are improper. (Id. at 9, 15.)

27 Defendant states limitations of its systems and operations drive the pace of production.  
28 (ECF No. 36 at 5-7, 16.) Defendant notes it timely produced some documents on Christmas Eve

1 and continued efforts to produce on January 7–8, January 15, January 22, and January 27. (ECF  
2 No. 36 at 5, 9.) Defendant states it has produced many documents, including payroll and  
3 employment-related files for at least 38 putative class members, with files for the remaining 49  
4 individuals being gathered and produced on an employee-by-employee basis. (Id. at 7-9.)

5 The record before the court does not support a finding that defendant G & H Dairy has  
6 engaged in contumacious behavior of the type justifying the undersigned to certify facts to the  
7 district judge regarding civil contempt. An evidentiary hearing on the contempt matter is  
8 currently unwarranted. The undersigned declines to set a show cause hearing for the purpose of  
9 civil contempt proceedings and declines to make recommendations to the district judge for entry  
10 of contempt sanctions at this time.

11 Plaintiffs do not propose any specific facts the court should order established. Their  
12 request for this relief is therefore insufficient and denied without prejudice. The court also denies  
13 without prejudice the request for an order prohibiting defendant from opposing Rule 23 class  
14 certification. Denial of these requests is without prejudice to plaintiffs filing a properly noticed  
15 motion should defendants continue to not meet their discovery obligations.

16 The undersigned notes the production schedule at issue here was relatively short, at 14  
17 days, and near the winter holidays. Nevertheless, the court is concerned by defendant’s position  
18 that their partial and rolling style of production is sufficient where they did not seek relief from  
19 the December 3, 2025 order or request an extension of time to comply. Defendant also fails to  
20 respond to the troubling assertion that defendant has produced improperly redacted records.  
21 Defendant also cites cases purportedly from this district that do not exist,<sup>1</sup> even though defendant  
22 was issued a prior warning in this case that doing so is a potential ground for sanctions. (See ECF  
23 No. 29 at 5-6.)

24 The undersigned reserves ruling on the request for attorney fees for plaintiffs’ initial  
25 motion to compel, subject to plaintiffs filing a properly noticed and supported motion for

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27 <sup>1</sup> These case citations provided by defendant, and possibly others, are inaccurate and/or the cases  
28 do not exist: Brown v. Johnson, No. 1:06-cv-01068, 2009 WL 1788406 (E.D. Cal. June 23,  
2009); Watkins v. Cal. Dep’t of Corr. & Rehab., No. 1:08-cv-01530, 2012 WL 1906523, at \*1  
(E.D. Cal. May 25, 2012). (See ECF No. 36 at 13.)

1 sanctions with evidence to substantiate the request. In addition, defendant and/or defendant's  
2 counsel shall show cause in writing and within 7 days why monetary sanctions should not be  
3 imposed for their conduct. In the response to this order to show cause, defendant shall also  
4 respond to plaintiffs' assertion that defendant has produced improperly redacted records and give  
5 the updated status for production of documents, as set forth below.

6 **IV. Order**

7 In accordance with the above, IT IS ORDERED as follows:

- 8 1. Plaintiff's motion for an order to show cause why defendant G& H Dairy should not  
9 be held in contempt (ECF No. 32) is DENIED.
- 10 2. The undersigned reserves ruling on plaintiffs' request for attorney fees for their initial  
11 motion to compel, subject to plaintiffs filing a properly noticed and supported motion  
12 within 30 days after receipt of complete discovery responses ordered in the December  
13 3, 2025 order.
- 14 3. Within 7 days of the date of this order, defendant shall SHOW CAUSE in writing on  
15 the docket why monetary sanctions should not be imposed against defendant and/or  
16 defendant's counsel for repeated citation to fictitious or non-existent cases; in  
17 addition, defendant shall respond to plaintiffs' assertion that defendant has produced  
18 improperly redacted records and shall give the status of production of documents  
19 ordered produced in the court's December 3, 2025 order, including what production  
20 defendant has made since defendant's opposition filed on February 4, 2026, and a  
21 timeline for complete production if complete production has not been made.

22 Dated: February 24, 2026

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24 \_\_\_\_\_  
25 CAROLYN K. DELANEY  
26 UNITED STATES MAGISTRATE JUDGE