

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Plaintiffs’ motion to compel discovery responses and the parties’ joint statement on the dispute are before the court. (ECF No. 28.) The motion to compel is suitable for decision without oral argument under Local Rule 230(g). Accordingly, the hearing set for December 10, 2025, is vacated. As set forth below, the motion to compel is granted. In addition, defendants’ counsel is cautioned regarding fictitious or inaccurate case citations.

I. Background

Plaintiffs are former dairy workers alleging violations of federal and state employment and housing laws. (ECF No. 28-1 at 2; see also ECF No. 1, Complaint.) Defendants operate a dairy and farming operation outside of Escalon, California, as well as housing units for a portion of the dairy workers. (ECF No. 28-1 at 2.) On behalf of themselves and others similarly situated, plaintiffs assert defendants provided unlawful housing conditions, discriminated, paid unlawful

1 wages, and denied meal and rest breaks. (Id.) Plaintiffs also assert claims under the California
2 Private Attorney Generals Act. (Id.) Defendants deny the allegations. (ECF No. 10.) This case is
3 currently in the pre-certification stage.

4 Plaintiffs filed the motion to compel along with the parties' joint statement on the
5 discovery dispute on November 14, 2025. Defendant G & H Dairy's responses to several requests
6 for production of documents are at issue.

7 **II. Discussion**

8 Plaintiffs seek to compel discovery documents including employment records, time
9 keeping records, employer-provided housing records, and the identity of putative class members
10 and their employment-related documents. In general, the parties disagree whether the records are
11 discoverable prior to class certification under Federal Rule of Civil Procedure 23. Defendant G &
12 H Dairy's responses to Request Nos. 1- 6, 8, 10, 11, 14-17, 19, 27-28, 31, and 33-34 are at issue.

13 **A. Request Nos. 1- 6, 8, 10, 11, 14-17, 19**

14 These requests seek defendant's payroll reports and documents related to defendant's non-
15 party employees. (ECF No. 28-1 at 4-7.) Defendant objected to these requests as invasive of the
16 rights of privacy of third parties who have not consented to the disclosure of the information and
17 as not reasonably calculated to lead to the discovery of admissible evidence to the extent they
18 relate to non-party employees. (Id. at 4, 5, 7.) Except as to Request No. 3 seeking payroll reports,
19 defendant also objected to these requests as premature because the court has not yet certified a
20 class. (Id. at 4, 7.) Defendant also objected to use of the term "PROPOSED PLAINTIFF CLASS
21 MEMBERS" as vague and ambiguous, stating determination of class membership is a legal
22 question outside the scope of discovery. (Id.)

23 At the outset, the term "PROPOSED PLAINTIFF CLASS MEMBERS" is defined to refer
24 to the following class definition found in the complaint:

25 (a) All non-supervisory Hispanic persons born outside of the United
26 States employed by Defendants at any time during the four years
27 preceding the filing of this action through the conclusion of this
action.

28 (b) All non-supervisory Hispanic persons born outside of the United
States employed by Defendants and their families who were provided

1 housing by the Defendants and lived on property owned or managed
2 by the Defendants during the four years preceding the filing of this
action through the conclusion of this action.

3 (ECF No. 1 at 18, ¶ 92.) As defined, the term is understandable. Defendant’s objections to use of
4 the term are overruled. In addition, the information sought is clearly relevant to class certification
5 for plaintiffs’ claims.

6 However, defendant also argues a demand for all putative class members’ payroll and
7 personnel data at this stage of the case is overbroad and disproportionate. (ECF No. 28-1 at 9.)
8 Defendant argues plaintiffs should assess Rule 23 issues using records that were already produced
9 during mediation, which included payroll and time records for roughly one-third of the putative
10 class, spanning multiple pay periods during 2020-2024, along with applicable policies and
11 housing inspection reports. (Id.)

12 Plaintiffs declined defendant’s offer to produce a sampling of employee data. Plaintiffs
13 believe the number of putative class members to be approximately 100 individuals on the wage
14 claims and fewer on the housing claims. (ECF No. 28-1 at 3, fn. 1.) Thus, plaintiffs argue, the
15 putative class is relatively small and defendant did not claim any burden to produce all records
16 until after plaintiffs declined the sample. (Id. at 11.)

17 While defendant now argues producing four years of personnel, payroll, and housing
18 records for all non-party employees would impose undue burden and expense, defendant did not
19 assert any undue burden or expense in objections and does not currently support those assertions
20 with any evidence or argument containing specific details of the alleged burden and expense. See
21 Louisiana Pac. Corp. v. Money Mkt. 1 Institutional Inv. Dealer, 285 F.R.D. 481, 485 (N.D. Cal.
22 2012) (explaining the party opposing discovery “has the burden of clarifying, explaining and
23 supporting its objections with competent evidence”) (citing DIRECTV, Inc. v. Trone, 209 F.R.D.
24 455, 458 (C.D. Cal. 2002). To the extent defendant argues undue burden and expense in support
25 of their objections to these requests, the objections are overruled.

26 Defendant also argues this court should require a Belaire-West-style opt-out notice prior
27 to disclosure of putative class contact information. See Belaire-West Landscape, Inc. v. Superior
28 Ct., 149 Cal. App. 4th 554 (2007). However, the cases cited by defendant in support of requiring

1 such a notice are cases arising under diversity jurisdiction where state law privileges apply. In
2 contrast, this suit contains claims arising under federal law.

3 While the California Constitution contains an individual right to privacy, that right does
4 not create a federally recognized privilege against all discovery. See Soto v. City of Concord, 162
5 F.R.D. 603, 616 (N.D. Cal. 1995) (“Federal courts should give ‘some weight’ to privacy rights
6 that are protected by state constitutions or statutes.”) (citation omitted). “[C]lass contact
7 information is routinely found to be discoverable.” Holland-Hewitt v. Allstate Life Ins. Co., 343
8 F.R.D. 154, 169 (E.D. Cal. 2022) (diversity jurisdiction case citing collected cases). Upon
9 weighing the asserted right to privacy against the relevance, necessity, and obtainability of the
10 information sought, the court finds defendant does not establish the discovery should be
11 prohibited. See Williams v. Superior Ct., 3 Cal. 5th 531, 557 (Cal. 2017) (courts must “place the
12 burden on the party asserting a privacy interest to establish its extent and the seriousness of the
13 prospective invasion, and against that showing must weigh the countervailing interests the
14 opposing party identifies”).

15 Defendant appears to be in sole possession and control of the relevant payroll records, and
16 plaintiffs’ only avenue to obtain them is through discovery. Additionally, according to defendant,
17 “[t]he parties have agreed in principle to a protective order, which has already been circulated in
18 draft form.”¹ (ECF No. 28-1 at 2.) Defendant fails to show any privacy interest outweighs the
19 relevance of and need for the records in this instance. A general privacy assertion cannot bar
20 access to basic contact and payroll information, considering the nature of plaintiffs’ claims and
21 defendant’s sole possession of the records. Accordingly, defendant’s objections to these requests
22 are overruled.

23 **B. Request Nos. 27-28, 31, 33-34**

24 These requests seek housing records including those showing maintenance, inspections,
25 complaints and communications regarding defendant’s housing. (ECF No. 28-1 at 14-15.) For the
26 same reasons already discussed, defendant’s objections based on relevance and to use of the term

27 _____
28 ¹ It is unclear why the parties have not yet filed the stipulated protective order for the court’s approval.

1 “PROPOSED PLAINTIFF CLASS MEMBERS” are overruled.

2 Defendant also objected to these requests as seeking confidential information related to
3 business operations and/or private information, and as not reasonably limited in time or scope,
4 and thus overbroad, unduly burdensome, oppressive, and harassing. (ECF No. 28-1 at 15.)

5 Defendant agrees production of the named plaintiffs’ lease documents along with annual
6 inspection reports should suffice. Defendant argues producing all of the housing agreements and
7 repair files implicates third-party privacy by disclosing tenancy information with minimal bearing
8 on class certification or plaintiffs’ claims. (*Id.* at 15-16.)

9 However, plaintiffs bring housing condition claims including claims for discriminatory
10 housing based on an alleged failure to repair or maintain housing and seek class certification for
11 these claims. While third-party privacy rights are implicated, defendant fails to show the
12 production of documents related to employer provided housing should be prohibited. Defendant
13 also does not support the assertion of undue burden with any competent evidence or explanation
14 containing specific details of the claimed burden, other than to note it is a small, family-run farm
15 as opposed to a large corporate employer. Defendant’s objections to these requests are overruled.²

16 Finally, the court notes the following cases cited by defendant, and possibly others, either
17 do not have correct citations, do not accurately cite orders actually filed in the case, or are not real
18 cases: (1) “Ho v. Ernst & Young LLP, 2011 WL 7106622, at *2 (C.D. Cal. Dec. 19, 2011)”; (2)
19 “Gonzalez v. CoreCivic, Inc., No. 1:18-cv-00927-DAD-EPG, *2020 WL 4437167, at 3 (E.D. Cal.
20 July 31, 2020)”; (3) “Gonzalez v. CoreCivic, Inc., 2020 WL 4037167, at *3 (E.D. Cal. July 17,
21 2020)”; (4) “Chavez v. SolarCity Corp., No. 13-cv-01797-JST, *2015 WL 1520065, at 2 (N.D.
22 Cal. Mar. 31, 2015)”; and (5) “Lobaton v. City of San Diego, No. 3:15-cv-1416-GPC-DHB,
23 *2020 WL 7334512, at 4 (S.D. Cal. Dec. 14, 2020)[.]” In more than one other instance,
24 defendant’s case citations do not support the specific explanatory phrase presented alongside the
25 citation. Counsel shall not file or otherwise present to the court any documents which contain AI-

26 _____
27 ² Defendant also asserts a proportionality argument directed to plaintiffs’ request for operational
28 “milking” records. (ECF No. 28-1 at 16.) Because it does not appear any request for operational
“milking” records is at issue in the present motion to compel, the court does not address the
argument.

1 hallucinated citations or fictitious or non-existent legal citations. Counsel's failure to confirm the
2 existence of, as well as the accuracy and veracity of a case or other legal citation created by an AI
3 tool or taken from another indirect source, is a potential ground for sanctions.

4 **III. Order**

5 For the reasons set forth above, IT IS ORDERED as follows:

- 6 1. The hearing set for December 10, 2025, is VACATED.
- 7 2. Plaintiffs' motion to compel (ECF No. 28) is GRANTED.
- 8 3. Within 7 days of the date of this order, the parties shall file a stipulated protective
9 order and proposed court order for the protection of confidential or private
10 information; if the parties are unable to agree on a stipulated protective order, then a
11 motion for a protective order shall be filed within 10 days of the date of this order.
- 12 4. Within 14 days after entry of a protective order, defendant shall produce responsive
13 documents and serve amended responses.

14 Dated: December 3, 2025



15 _____
16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

18 8 vill24cv2305.mtc
19
20
21
22
23
24
25
26
27
28