

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Lewis v. CoreCivic of Tennessee, LLC

Case No. 21-cv-01385-JAH-BGS (S.D. Cal. Mar. 15, 2023) · No. 21-cv-01385-JAH-BGS · Decided March 15,
2023

SUMMARY

The court granted a joint discovery motion concerning Plaintiff’s Rule 30(b)(6) deposition Topic 14, which sought information about vacant or unassigned positions at three CoreCivic facilities during 2019. Applying the federal discovery rules and California FEHA principles, the court held that the requested information was relevant to Plaintiff’s failure-to-accommodate and failure-to-engage claims. The court found the original time range overbroad, limited the relevant period to August 21, 2019 through November 4, 2019, and ordered Defendant to produce a responsive witness.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Bernard G. Skomal
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 15, 2023
DOCKET	21-cv-01385-JAH-BGS
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a joint discovery dispute concerning Defendant's objections to Plaintiff's Rule 30(b)(6) deposition topic seeking information about vacant or unassigned positions at three facilities during 2019.
STANDARD OF REVIEW	Discovery relevance and proportionality are reviewed under Federal Rule of Civil Procedure 26(b)(1), with district courts exercising broad discretion in controlling discovery and determining relevance.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- reasonable accommodation
- disability discrimination
- employment law
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether information about vacant or unassigned positions at Defendant's three facilities was relevant and proportional to Plaintiff's FEHA failure-to-accommodate and failure-to-engage-in-the-interactive-process claims.
2. Whether the requested 2019 date range was overly broad and should be narrowed in light of Plaintiff's medical leave and termination date.

HOLDINGS

1. Vacant or unassigned positions at the three named facilities were relevant to Plaintiff's FEHA failure-to-accommodate and failure-to-engage-in-the-interactive-process claims because Plaintiff alleged that Defendant made no accommodation and the interactive process could have included restructuring her current position or reassignment to another position.
2. Topic 14 was relevant but overly broad as framed for all of 2019; the permissible period for responsive reassignment information was August 21, 2019, through November 4, 2019.

KEY QUOTATIONS

“Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.” (at 3)

“Even where the employer believes it has reasonably accommodated the employee by offering a period of disability leave, the employer is not exempt from investigating other accommodations (including other job vacancies), although the employee has not specifically requested those alternative accommodations.” (at 8)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant knew or perceived her to have a disability, failed to provide reasonable accommodation, and failed to engage in the FEHA interactive process before terminating her employment. Plaintiff took medical leave from April 22, 2019, through October 21, 2019, submitted paperwork indicating that she could return to regular and customary work on October 21, and was terminated on November 4, 2019. Her Rule 30(b)(6) Topic 14 sought information about vacant or unassigned positions at Defendant's Boston Avenue, Oceanview, and OMDC facilities during 2019.

PROCEDURAL HISTORY

Plaintiff served a Rule 30(b)(6) deposition notice containing Topic 14. After a telephonic discovery conference, the Court ordered the parties to file a joint brief addressing Defendant's objections. The Court resolved the dispute by ordering Defendant to produce a witness responsive to Topic 14, subject to a narrowed time period.

DISPOSITION

other

CASES CITED

- Laub v. Horbaczewski, 331 F.R.D. 516, 521 (C.D. Cal. 2019)
- Stallworth v. Brollini, 288 F.R.D. 439, 444 (N.D. Cal. 2012)
- Spitzer v. The Good Guys, Inc., 80 Cal. App. 4th 1376, 1386 (2000)
- Cuiellette v. City of Los Angeles, 194 Cal. App. 4th 757, 766 (2011)
- Stoll v. The Hartford, No. 05CV1907 IEG (LSP), 2006 WL 3955826, at *5, *7, *9 (S.D. Cal. Nov. 7, 2006)
- Humphrey v. Memorial Hospitals Association, 239 F.3d 1128, 1137 (9th Cir. 2001)
- Barnett v. U.S. Air, Inc., 228 F.3d 1105, 1112 (9th Cir. 2000), rev'd on other grounds sub nom. US Airways, Inc. v. Barnett, 535 U.S. 391 (2002)
- Norris v. Allied-Sysco Food Servs., Inc., 948 F. Supp. 1418, 1436-37 (N.D. Cal. 1996), aff'd sub nom. Norris v. Sysco Corp., 191 F.3d 1043 (9th Cir. 1999)
- Ravel v. Hewlett-Packard Enterprise, Inc., 228 F. Supp. 3d 1086, 1097 (E.D. Cal. 2017)
- Brown v. Lucky Stores, Inc., 246 F.3d 1182, 1188 (9th Cir. 2001)
- Taylor v. Principal Financial Group, 93 F.3d 155, 165 (5th Cir. 1996)
- Scotch v. Art Institute of California-Orange County, Inc., 173 Cal. App. 4th 986, 1013, 1018 (2009)
- Carballo v. Barr, 690 F. App'x 1006, 1008-09 (9th Cir. 2017)
- Prilliman v. United Air Lines, Inc., 53 Cal. App. 4th 935, 950-51, 954 (1997)
- Hanson v. Lucky Stores, Inc., 74 Cal. App. 4th 215, 226 (1999)