

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

John D. Read, et al. v. Air & Liquid Systems Corporation, et al.

Read v. 3M Co. · No. 25-cv-00123-VC (LB) · Decided August 1, 2025

SUMMARY

The court addresses a discovery dispute concerning the scope and timing of a Rule 30(b)(6) deposition in an asbestos-related mesothelioma action. It cancels the scheduled deposition unless the parties agree to proceed on nine topics and establishes a structured process for narrowing topics, briefing proportionality issues, and rescheduling the deposition.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Laurel Beeler
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 1, 2025
DOCKET	25-cv-00123-VC (LB)
DISPOSITION	other
PROCEDURAL POSTURE	Discovery order resolving a dispute over the scope and timing of a Rule 30(b)(6) deposition.
STANDARD OF REVIEW	Discovery disputes are evaluated under the Federal Rules of Civil Procedure, including the requirements that Rule 30(b)(6) deposition topics be described with reasonable particularity and that discovery be proportional to the needs of the case.
PRECEDENTIAL VALUE	Unknown

TOPICS

discovery dispute civil procedure

PRACTICE AREAS

civil procedure asbestos litigation personal injury

QUESTIONS PRESENTED

1. Whether Bath Ironworks could reasonably prepare Rule 30(b)(6) witnesses for a deposition covering seventy-three topics on five days' notice.
2. What process should govern resolution of the parties' dispute over the scope, proportionality, and scheduling of the Rule 30(b)(6) deposition.

HOLDINGS

1. A Rule 30(b)(6) organization must prepare its designated witnesses to provide knowledgeable and binding answers, which requires sufficiently particularized topics and reasonable time to prepare. On the record presented, Bath Ironworks could not reasonably prepare witnesses for seventy-three topics within five days.
2. The parties must follow the court-ordered chart, meet-and-confer, briefing, and rescheduling process, including identifying the topics, preparation time, alternative discovery mechanisms, proposed deposition dates, and legal arguments.

KEY QUOTATIONS

“Bath Ironworks must prepare its Rule 30(b)(6) deponents to give knowledgeable, binding answers. It can do so only when it knows with reasonable particularity the topics for examination.” (at 1)

“That result does not mean that Bath Ironworks can pick the Rule 30(b)(6) topics.” (at 1)

FACTUAL BACKGROUND

John Read, an 82-year-old former Navy servicemember, was diagnosed with pleural malignant mesothelioma allegedly caused by asbestos exposure aboard a ship constructed by Bath Ironworks. Plaintiffs served a Rule 30(b)(6) deposition notice that, after amendments, listed seventy-three topics. Bath Ironworks contended that it could not prepare witnesses on all topics within five days and proposed proceeding on nine topics, but the parties did not attach the deposition topics to their submission.

PROCEDURAL HISTORY

Plaintiffs and Bath Ironworks submitted a discovery dispute concerning a Rule 30(b)(6) deposition scheduled for August 1, 2025. Plaintiffs had served an amended notice identifying seventy-three deposition topics, while Bath Ironworks proposed proceeding on only nine topics and argued that it could not prepare witnesses on the full notice within five days. The court cancelled the deposition unless the parties agreed to proceed on the nine topics and ordered a structured meet-and-confer and briefing process for rescheduling and resolving the dispute.

DISPOSITION

other

CASES CITED

- Alvarado-Herrera v. Acquity, a Mutual Insurance Co., 344 F.R.D. 103 (D. Nev. 2023)
- Alvarado-Herrera v. Acquity, a Mutual Insurance Co., 2023 WL 5035323 (D. Nev. Aug. 4, 2023)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF
CALIFORNIA 10 San Francisco Division 11 JOHN D. READ, et al., Case No. 25-cv-00123-VC
(LB) 12 Plaintiffs, DISCOVERY ORDER 13 v. Re: ECF No. 287 14 AIR & LIQUID SYSTEMS
CORPORATION, et al., 15 Defendants. 16 17 INTRODUCTION 18 The plaintiffs are John Read,
who is 82 and was diagnosed in October 2024 with malignant 19 mesothelioma of the pleura from
asbestos exposure, and his wife, Sandra Read.

They sued 20 defendants that include Bath Ironworks, which constructed a ship that allegedly
exposed Mr. Read 21 to asbestos while he was on active duty in the U.S. Navy in the 1960s.¹ The
plaintiffs and Bath 22 Ironworks filed a discovery dispute on July 30, 2025, at 6:05 p.m., disputing
the scope of a Rule 23 30(b)(6) deposition scheduled for August 1, 2025.² The plaintiffs served
their notice initially on 24 June 30 and, following several exchanges to refine the topics, listed
seventy-three topics in their 25 26 27 1 J. Case-Mgmt.

Statement – ECF No. 188 at 2–3. Citations refer to material in the Electronic Case File (ECF);
pinpoint citations are to the ECF-generated page numbers at the top of documents. 1 amended
notice served on July 25.³ The defendant contends that it cannot prepare its witnesses on 2 all
topics on this timeline, a seven-hour deposition allows at best an examination on a quarter of 3 the
topics, its proposed nine topics are proportional to the needs of the case, and — while it did not 4
explain why — many topics are better suited to expert discovery, contention interrogatories, 5
requests for production, or discovery directed to the manufacturers of the equipment aboard the 6
ship.⁴ The parties did not attach the deposition topics, making it impossible to evaluate the 7
proportionality of the topics.

Unless the parties agree by 8:00 a.m. on August 1 that the deposition 8 can proceed on the nine
topics, it is cancelled. Within one week, the parties must confer on how 9 much time is needed to
prepare the witnesses and schedule a new deposition date. 10 11 ANALYSIS 12 Bath Ironworks
must prepare its Rule 30(b)(6) deponents to give knowledgeable, binding 13 answers.

It can do so only when it knows with reasonable particularity the topics for examination. 14
Alvarado-Herrera v. Acquity, a Mut. Ins. Co., 344 F.R.D. 103, 106–07 (D. Nev. 2023), *aff'd*, No. 15
2:22-cv-00438-CDS-NJK, 2023 WL 5035323, at *8–10 (D. Nev. Aug. 4, 2023).

Here, Bath 16 Ironworks could not prepare its Rule 30(b)(6) witnesses on seventy-three topics in
five days and 17 — even assuming notice initially in late June — before the scheduled August 1
deposition. *Id.* at 18 109–10 (sixty-eight topics in a non-complex insurance dispute covering all
facets of a case made it 19 impossible to prepare a Rule 30(b)(6) witness).

That result does not mean that Bath Ironworks can 20 pick the Rule 30(b)(6) topics. Also, it does
not dispute relevance and challenges only the 21 proportionality of the discovery. 22 The parties

must comply with the following dispute-resolution process. 23 If they agree, the parties can conduct a Rule 30(b)(6) deposition tomorrow on the nine topics 24 that the Bath Ironworks proposes, presumably topics that the witnesses can address knowledgeably.

25 This process will not foreclose a supplemental Rule 30(b)(6) deposition. In any event, Bath 26 27 3 Id. at 4; Notice – ECF No. 287-6. 1 Ironworks must construct a table with the following fields and populate it with answers: the Rule 2 30(b)(6) topic, the reasonable time needed to prepare its witnesses on that topic, discovery 3 mechanisms better suited to address the issues (expert discovery, contention interrogatories, 4 requests for production, or discovery directed to manufacturers), and why they are better.

Any 5 narrative fields in the chart are limited to 250 words. If the deposition is cancelled, the chart is due 6 at the end of the day tomorrow, August 1. If the deposition proceeds, it is due one business day 7 later.

The chart must be sent in native format to the plaintiffs. 8 Then, one business day later, in separate fields on the same chart, again limited to 250 words 9 for any narrative fields, the plaintiffs must identify the topics it wants to pursue (a field that can be 10 Y/N), whether they agree that other discovery means might illuminate the dispute, and if not, why 11 not.

They must email the chart that day in native format to Bath Ironworks, which — in one 12 business day — may insert any response into the chart, including the earliest date it can prepare its 13 Rule 30(b)(6) witness. Bath Ironworks may provide any additional legal argument in a two-page 14 opening brief and email the brief and chart to the plaintiffs.

The plaintiffs must insert a two-page 15 opposition within one business day and include as a field in the chart its best compromise for a 16 date for the rescheduled Rule 30(b)(6) deposition. Bath Ironworks must insert its one-page reply to 17 the legal brief one business day later, add its best compromise for a deposition date in the chart, 18 and file the brief and the chart — with an extra field on the chart titled “court ruling” — under the 19 Civil Events category of “Motions and Related Filings > Motions – General > Discovery Letter 20 Brief.” A chambers copy of the chart in native format must be emailed to 21 lbpo@cand.uscourts.gov.

22 This process will result in full briefing next week. Bath Ironworks must ensure that its Rule 23 30(b)(6) deponents are available the following week to avoid derailing the trial schedule. Given 24 the timing, the court likely will decide the issue without oral argument. Civil L.R. 7-1(b). 25 26 27] Bath Ironworks also contends that the dispute affects the case schedule, including the 2 || summary-judgment motion.” This timeline is designed to avoid that issue, but the parties must 3 || raise any scheduling issues with the trial judge.

4 5 CONCLUSION 6 This disposes of ECF No. 287. 7 IT IS SO ORDERED. g Dated: July 31, 2025 Lif EC 9 ON LAUREL BEELER 10 United States Magistrate Judge 1] as 12 2B 16 17 Oo Z

18 19 20 21 22 23 24 25 26 27 28 > Id. at 1.

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