

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Palmer v. Nippon Yusen Kabushiki Kaisha (NYK Line)

No. 24-cv-00309-DMR, United States District Court for the Northern District of California (July 22, 2025)

SUMMARY

The Northern District of California denied without prejudice a joint discovery letter seeking to compel Pacific Crane Maintenance Company to reproduce its Rule 30(b)(6) witness in a maritime personal injury case. The court found that the parties had not adequately supported or explained their competing assertions concerning an employee’s files, the noticed deposition topics, and the witness’s preparation. The court ordered the parties to meet and confer and, if necessary, submit a new standalone discovery letter with supporting evidence.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Donna M. Ryu                                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | July 22, 2025                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 24-cv-00309-DMR                                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Defendant NYK Line and third party PCMC submitted a joint discovery letter concerning NYK Line's request to compel PCMC to reproduce its Federal Rule of Civil Procedure 30(b)(6) witness. The court denied the joint discovery letter without prejudice and required the parties to meet and confer and, if necessary, submit a new joint discovery letter with supplemental evidence and briefing. |
| STANDARD OF REVIEW    | Discovery motion standards under Federal Rule of Civil Procedure 30(b)(6); the moving party bears the burden of establishing that requested discovery is relevant.                                                                                                                                                                                                                                   |
| PRECEDENTIAL VALUE    | Unpublished, nonprecedential discovery order                                                                                                                                                                                                                                                                                                                                                         |

TOPICS

- discovery dispute
- admiralty
- personal injury
- civil procedure

## PRACTICE AREAS

civil procedure

admiralty

maritime personal injury

## QUESTIONS PRESENTED

1. Whether NYK Line adequately demonstrated that PCMC's Rule 30(b)(6) witness was insufficiently prepared because he failed to review files allegedly possessed by Andrew Lorenzana.
2. Whether a Rule 30(b)(6) witness must have first-hand knowledge of the noticed topics or may prepare by reviewing information reasonably available to the organization.
3. Whether NYK Line's joint discovery letter sufficiently identified the particular noticed topics and questions warranting reproduction of PCMC's Rule 30(b)(6) witness.

## HOLDINGS

1. NYK Line did not make a sufficient showing that Lorenzana possessed relevant files that Baker failed to review, or that those files related to particular noticed topics; therefore, the court denied the motion without prejudice.
2. A Rule 30(b)(6) witness is not required to have first-hand knowledge of the noticed topics; the witness may prepare by reviewing documents and other information reasonably available to the organization.
3. NYK Line's vague assertion that Baker lacked first-hand knowledge and reviewed only prior document production did not establish inadequate preparation or justify reopening the deposition.

## KEY QUOTATIONS

*"The persons designated must testify about information known or reasonably available to the organization."*  
(at 2)

*"A 30(b)(6) witness is not required to have first-hand knowledge."* (at 4)

*"NYK Line fails to identify any particular question that Baker was not able to answer but that he would have answered if he had been reasonably prepared."* (at 4)

## FACTUAL BACKGROUND

Plaintiff William Palmer was injured when he fell through an open hatch on a ship owned by NYK Line. At the time, Palmer was employed by PCMC, which conducted its own investigation of the accident. NYK Line sought to compel PCMC to reproduce its Rule 30(b)(6) witness, arguing that the witness had not adequately prepared because he had not reviewed files allegedly belonging to PCMC employee Andrew Lorenzana and had reviewed only PCMC's prior document production.

## PROCEDURAL HISTORY

Palmer brought a maritime personal injury action against NYK Line arising from an accident aboard NYK Line's ship. NYK Line sought discovery from PCMC, Palmer's employer at the time of the accident, and moved to compel PCMC to reproduce its Rule 30(b)(6) witness, Scott Baker, on fourteen topics. The court found the joint

discovery letter insufficiently developed, denied it without prejudice, and ordered further meet-and-confer efforts and supplemental briefing.

## DISPOSITION

other

## REMAND INSTRUCTIONS

NYK Line and PCMC must meet and confer fully regarding the identified discovery issues. If they cannot resolve the dispute, they must file a new, standalone five-page joint discovery letter by August 5, 2025, supported by competent evidence such as sworn declarations. The new letter must stand on its own and may not refer to or incorporate another document.

## CASES CITED

- Great Am. Ins. Co. of New York v. Vegas Const. Co., 251 F.R.D. 534, 538 (D. Nev. 2008)
- U.S. v. Taylor, 166 F.R.D. 356, 361 (M.D.N.C.), aff'd, 166 F.R.D. 367 (M.D.N.C. 1996)
- Kelly v. Provident Life & Acc. Ins. Co., No. 04CV807-AJB BGS, 2011 WL 2448276, at \*5 (S.D. Cal. June 20, 2011)
- Bowoto v. ChevronTexaco Corp., No. C 99-02506 SI, 2006 WL 294799, at \*1 (N.D. Cal. Feb. 7, 2006)
- Lofton v. Verizon Wireless (VAW) LLC, 308 F.R.D. 276, 281 (N.D. Cal. 2015)