

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Andrews v. Cogir Management USA, Inc., et al.

Andrews · No. C24-1672-RSM · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Washington partially granted and partially denied Cogir Management USA, Inc.’s motion for a protective order in a putative class action concerning refundable entrance fees under senior-living residency agreements. The court limited discovery requests referencing ten years of information to six years and struck specified requests as premature merits discovery. It declined to bar discovery concerning current residents, other proposed subclasses, or the Class Action Fairness Act home-state exception.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	November 25, 2025
DOCKET	C24-1672-RSM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for a protective order limiting plaintiffs' discovery requests in a putative class action involving Pacific Regent residency agreements and entrance-fee refunds.
STANDARD OF REVIEW	Abuse of discretion; issuance of a protective order rests within the sound discretion of the trial court.
PRECEDENTIAL VALUE	Unknown

TOPICS

- discovery dispute
- class actions
- subject matter jurisdiction
- civil procedure
- contracts

PRACTICE AREAS

- Civil procedure
- Class actions
- Discovery

QUESTIONS PRESENTED

1. Whether plaintiffs' discovery requests reaching back ten years were overly broad and should be limited to six years.
2. Whether discovery concerning current residents and former residents who had received refunds was outside the scope of the proposed class.
3. Whether specified interrogatories and requests for production constituted premature merits discovery beyond the agreed class-certification phase.
4. Whether discovery concerning the Class Action Fairness Act home-state exception was relevant and permissible at that stage.

HOLDINGS

1. Discovery requests seeking information from the prior ten years were overly broad in light of the proposed class and were limited to six years, except that Request for Production No. 5 was not limited on that basis because it concerned current residents.
2. The court declined to prohibit otherwise unspecified discovery concerning current residents or former residents who had received refunds solely because those individuals might not be owed a refund.
3. Interrogatories 12 and 17 and Requests for Production 8, 9, and 10 were beyond the scope of the then-authorized class-certification discovery and were stricken as untimely merits discovery.
4. The court declined to prohibit the limited discovery concerning the Class Action Fairness Act home-state exception because it was relevant at that stage and could be readily provided.

KEY QUOTATIONS

“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.” (1)

“Defendant Cogir’s Motion for Protective Order, Dkt. #30, is GRANTED IN PART AND DENIED IN PART.” (6)

FACTUAL BACKGROUND

Plaintiffs proposed a class consisting of current and former Pacific Regent residents, as well as heirs and beneficiaries, concerning entrance-fee refunds and the validity of residency-agreement refund provisions. Plaintiffs sought discovery reaching back ten years and discovery concerning residents, heirs, refunds, lawsuits, financial institutions, and governmental complaints. The parties had proposed phased discovery addressing the Class Action Fairness Act home-state exception first, class certification second, and remaining merits discovery third.

PROCEDURAL HISTORY

Plaintiffs served a second set of discovery requests. Defendant Cogir Management USA, Inc. moved for a protective order, arguing that the requests were temporally overbroad, extended beyond the putative class, sought merits discovery before class-certification discovery, and included discovery unnecessary to the Class Action Fairness Act home-state exception. The court granted the motion in part and denied it in part, limiting ten-year requests to six years and striking specified requests as untimely merits discovery.

DISPOSITION

other

CASES CITED

- Seiter v. Yokohama Tire Corp., 2009 WL 2461000, *1 (W.D. Wash. 2009)
- Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 350-53 (1978)
- Serrano v. 180 Connect, Inc., 478 F.3d 1018, 1022-23 (9th Cir. 2007)

OPINION

Andrews

PER CURIAM.

1 2 3 4 5 6

UNITED STATES DISTRICT COURT

7 WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

8 9 LINDA ANDREWS, et al., Case No. C24-1672-RSM 10 Plaintiffs, ORDER GRANTING IN
PART AND

DENYING IN PART DEFENDANT’S

11 v. MOTION FOR PROTECTIVE ORDER

COGIR MANAGEMENT USA, INC., et al., 12 Defendants. 13 14

I. INTRODUCTION

15 This matter comes before the Court on Defendant Cogir Management USA, Inc. d/b/a 16
Pacific Regent Bellevue Senior Living, (“Cogir”)’s Motion for Protective Order, requesting 17
limits on certain discovery requests that they allege are “overly broad.” Dkt. #30. Plaintiffs have
18 filed an opposition. Dkt. #33. Neither party has requested oral argument. For the following 19
reasons, the Court will grant in part and deny in part Cogir’s Motion. 20

II. DISCUSSION

21 “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any 22
party’s claim or defense and proportional to the needs of the case, considering the importance of
23 the issues at stake in the action, the amount in controversy, the parties’ relative access to
relevant 24 1 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.”

Fed. R. 2 Civ. P. 26(b)(1). 3 “A party or any person from whom discovery is sought may move for a protective order 4 in the court where the action is pending – or as an alternative on matters relating to a deposition, 5 in the court for the district where the deposition will be taken.” Fed. R. Civ. P. 26(c)(1). “The 6 court may, for good cause, issue an order to protect a party or person from annoyance, 7 embarrassment, oppression, or undue burden or expense. . . .” Id. “The decision to issue a 8 protective order rests within the sound discretion of the trial court.” *Seiter v. Yokohama Tire Corp.*, 2009 WL 2461000, *1 (W.D. Wash. 2009). 10 Plaintiffs’ proposed class consists of: (1) all current Pacific Regent occupants who paid 11 an Entrance Fee; (2) all former occupants in the last 6 years who are owed a 90% refund of the 12 Entrance Fee; (3) all former occupants who received a 90% refund more than 6 months after 13 vacating unit; and (4) all heirs/beneficiaries who “vacated” in the last 6 years and did not receive 14 a refund within 6 months. Dkt. #17 at ¶ 6.6. 15 A) Discovery Not Limited in Temporal Scope 16 Cogir argues that Plaintiffs’ requested discovery dating back 10 years is not limited in 17 scope, time barred by applicable statute of limitations, and overly burdensome. Dkt. #30 at 5, 18

12. Plaintiffs do not directly respond to this argument.

19 Cogir challenges Plaintiffs’ Interrogatories 7, 8, 9, 11, 13, 15, and 16, as well as Requests 20 for Production (“RFP”) 2, 3, 4, 5, and 6. See Dkt. #32-1. Considering Plaintiffs’ description of 21 the proposed class, Plaintiffs’ discovery requests dating back 10 years are overly broad. The 22 Court agrees with Cogir on the identified Interrogatories and RFPs, excepting RFP No. 5, which 23 only relates to current Pacific Regent residents. See *id.* at 12. 24 1 B) Discovery Not Limited to Residents Owed a Refund Cogir argues that Plaintiffs’ discovery requests regarding current residents or residents 2 already issued refunds is improper because “current residents are not owed a refund, nor are those 3 individuals whose refund has been issued.” Dkt. #30 at 12. The challenged Interrogatory 4 requests that Defendants “identify all heirs or beneficiaries of residents who occupied a unit at 5 Pacific Regent in the last ten (10) years[,]” along with the RFP for the Interrogatory to “produce 6 all written communications between you, and all persons identified . . . which were sent or 7 received in the last ten (10) years.” Id. at 12. Cogir labels these at Interrogatory No. 3 and RFP 8 No. 4, but it appears they are actually Interrogatory No. 8 and RFP No. 3. Id.; see Dkt. #32-1 at 9

11. The Court already concluded that these requests are outside the temporal scope of 6 years.

10 As for any other requests related to current residents or former residents who received a refund, 11 Plaintiffs’ proposed class includes all current residents who paid an Entrance Fee and former 12 residents and heirs owed a refund or who received one after 6 months. See Dkt. #17 at ¶ 6.6. 13 Cogir does not identify any other specific Interrogatories or RFPs, but the Court will not block 14 them for Cogir’s stated reason. 15 C) Discovery Not Limited to Class Certification 16 Cogir challenges several discovery requests as improper “merits discovery” in violation 17 of the parties’ agreement “to phase discovery so as to conduct class discovery first and merits 18 discovery second.” Dkt. #30 at 4, 12-13. Plaintiffs do not respond to this argument. 19 In the parties’ Joint

Status Report, Plaintiffs proposed bifurcating discovery into phases: 20 first, discovery on the Home State exception to jurisdiction; second, class certification discovery; 21 and third, all remaining fact and expert discovery. Dkt. #5 at 4. Defendants did not oppose this 22 discovery plan, and the Court set a deadline for only class certification discovery with other 23 deadlines to follow. Dkt. #27. 24 1 Cogir identifies the following requests as premature merits discovery: 1) Interrogatory No. 12: “provide the name of the bank, or other financial institutions, 2 where Entrance Fees have been deposited for every person who has resided at Pacific Regent in the last (10) years.” Dkt. #32-1 at 13. 3 2) Interrogatory No. 17: “Have you ever been named as a defendant in a lawsuit filed 4 against you by a resident, or heir of a resident, in the last ten (10) years? If so, please describe each such lawsuit and its current status.” Id. at 16. 5 3) RFP No. 8: provide all complaints made against Defendants or Pacific Regent to 6 government agencies that relate to the Complaint’s claims and any agency responses. Id. at 15. 7 4) RFP No. 9: produce copies of complaints “described in the preceding interrogatory” 8 (no interrogatory directly proceeds this RFP, see Dkt. #32-1 at 15). 9 5) RFP No. 10: produce copies of complaints referred to in Interrogatory No. 17. Id. at 16. 10 The Court agrees that the above discovery requests appear beyond the scope of class 11 certification discovery and will grant Cogir’s request. 12 D) Discovery Requests Beyond Plaintiffs 13 Cogir argues that Plaintiffs’ discovery requests are overly broad because they extend 14 beyond the “subclass” Plaintiffs actually represent. See Dkt. #30 at 7-8. Cogir, as stated above, 15 reasons that the proposed class is split into the four subclasses: (1) all current Pacific Regent 16 occupants who paid an Entrance Fee; (2) all former occupants in the last 6 years who are owed a 17 90% refund of the Entrance Fee; (3) all former occupants who received a 90% refund more than 18 6 months after vacating a unit; and (4) all heirs/beneficiaries who “vacated” in the last 6 years 19 and did not receive a refund within 6 months. Dkt. #17 at ¶ 6.6. 20 Cogir contends that “the only subclass to which Plaintiffs possibly belong is putative 21 Subclass IV.” Dkt. #30 at 8. Pointing to *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350- 22 53 (1978), where Cogir claims that the Supreme Court “acknowledge[ed] pre-certification 23 discovery can be limited to claims that representative plaintiff can bring[.]” Cogir objects to all 24 1 discovery related to the Subclasses 1-3 because “Plaintiffs are not entitled to discovery . . . [where] they cannot represent those subclasses.” Id. at 7-8. 2 Plaintiffs contend that “Defendants engender confusion in their misguided attempt to 3 manufacture four subclasses from the one class proposed.” Dkt. #33 at 3. Plaintiffs allege that 4 the proposed “class members are ‘residents who rented units at Pacific Regent at any time in the 5 last six (6) years, or their heirs or beneficiaries.’” Id. (quoting Dkt. #17 at ¶ 6.1). 6 The Court declines to grant Cogir’s request at this time. As Cogir argues, “[a]t some 7 point Plaintiffs will file a motion for class certification.” Dkt. #34 at 4. Cogir attempts to define 8 this action as being “about refundable entrance fees and when the refund must be paid to the 9 resident and their heirs.” Dkt. #30 at 12. But Plaintiffs’ Complaint challenges the validity of 10 Pacific Regent’s Residency Agreements, including the EF and repayment terms, potentially 11 allowing this Court to “provide relief to

current residents by reforming these contracts to comply with the law.” Dkts. #17 at ¶ 6.10, #33 at 4. Accordingly, the Court will deny Cogir’s challenges based on its “four subclasses” argument. E) Discovery Unnecessary to Home State Exception As noted above, the parties’ Joint Status Report included bifurcating discovery to address the home state jurisdiction exception. See Dkt. #20 at 4. Under the Class Action Fairness Act, a district court has original jurisdiction over class actions with minimal diversity, a proposed class of at least 100 members, and an amount in controversy exceeding \$5 million. See 28 U.S.C. § 1332(d)(2). However, under the “home state exception,” district courts must decline jurisdiction when “two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.” Id. at § 1332(d)(4)(B); see *Serrano v. 180 23 Connect, Inc.*, 478 F.3d 1018, 1022-23 (9th Cir. 2007). While Plaintiffs seek discovery on this issue, see Dkt. #32-3, Cogir argues that “none of the primary defendants are citizens of Washington state[.]” Dkt. #30 at 10. While this issue is potentially as “irrelevant” as Cogir claims, it appears to the Court that this limited discovery can be easily provided to Plaintiffs, is relevant at this stage, and that this argument is better addressed if and when Plaintiffs raise the issue. Thus, the Court will deny Cogir’s request. Til. CONCLUSION Having reviewed the instant Motion, responsive briefings and declarations, and the remainder of the order, the Court hereby finds and ORDERS that Defendant Cogir’s Motion for Protective Order, Dkt. #30, is GRANTED IN PART AND DENIED IN PART. Plaintiffs’ Second Set of Discovery Requests are modified as follows: ll (1) Whenever a request asks for information going back 10 years, that request shall be deemed modified so as to only go back six years (see, e.g., Sec. II(A)). 13 (2) Interrogatories 12 and 17 and Requests for Production 8, 9, and 10 are STRICKEN 14 as untimely merits discovery. 15 16 DATED this 25th day of November, 2025. 18 United States District Judge 19 20 21 22 23 24

ORDER GRANTING IN PART AND DENYING IN PART

DEFENDANT’S MOTION FOR PROTECTIVE ORDER - 6