

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)

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