

**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

OPINION

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 9 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 12 with the law.” Dkts. #17 at ¶ 6.10, #33 at 4.

Accordingly, the Court will deny Cogir's challenges 13 based on its "four subclasses" argument. 14 E) Discovery Unnecessary to Home State Exception 15 As noted above, the parties' Joint Status Report included bifurcating discovery to address 16 the home state jurisdiction exception. See Dkt. #20 at 4. 17 Under the Class Action Fairness Act, a district court has original jurisdiction over class 18 actions with minimal diversity, a proposed class of at least 100 members, and an amount in 19 controversy exceeding \$5 million.

See 28 U.S.C. § 1332(d)(2). However, under the "home state 20 exception," district courts must decline jurisdiction when "two-thirds or more of the members of 21 all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the 22 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). 24 1 While Plaintiffs seek discovery on this issue, see Dkt. #32-3, Cogir argues that "none of 3 the primary defendants are citizens of Washington state[.]" Dkt. #30 at 10. While this issue is 3 potentially as "irrelevant" as Cogir claims, it appears to the Court that this limited discovery can 4 be easily provided to Plaintiffs, is relevant at this stage, and that this argument is better addressed 5 if and when Plaintiffs raise the issue.

Thus, the Court will deny Cogir's request. 6 Til. CONCLUSION 7 Having reviewed the instant Motion, responsive briefings and declarations, and the g remainder of the order, the Court hereby finds and ORDERS that Defendant Cogir's Motion for 9 Protective Order, Dkt. #30, is GRANTED IN PART AND DENIED IN PART. Plaintiffs' 10 Second Set of Discovery Requests are modified as follows: 11 (1) Whenever a request asks for information going back 10 years, that request shall be 2 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