

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Christopher Wirowek et al. v. Amazon.com, Inc. et al.

No. 24-cv-06795-VC (KAW) (N.D. Cal. Dec. 2, 2025) · No. 24-cv-06795-VC (KAW) · Decided December 2, 2025

SUMMARY

The United States District Court for the Northern District of California addressed a discovery dispute concerning Plaintiff’s request for a second deposition of Amazon.com, Inc. under Federal Rule of Civil Procedure 30(b)(6). The Court permitted the deposition but limited it to four ladders that Plaintiff had purchased and tested, finding insufficient support for discovery concerning 73 additional ladders. The order was dated December 2, 2025, and disposed of Discovery Docket No. 48.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                       |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Northern District of California                                                                                                                                                                                  |
| JURISDICTION       | United States District Court for the Northern District of California                                                                                                                                                                                  |
| DECIDED            | December 2, 2025                                                                                                                                                                                                                                      |
| DOCKET             | 24-cv-06795-VC (KAW)                                                                                                                                                                                                                                  |
| DISPOSITION        | other                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE | The parties submitted a joint discovery letter concerning Plaintiff's request to take a second deposition of Defendant Amazon.com, Inc. under Rule 30(b)(6), focused on 77 ladders allegedly identical to the ladder involved in Plaintiff's injury.  |
| STANDARD OF REVIEW | Discovery-management and proportionality determination under the Federal Rules of Civil Procedure; the court evaluated whether Plaintiff had shown entitlement to the requested discovery and whether the request was relevant and unduly burdensome. |
| PRECEDENTIAL VALUE | Nonprecedential discovery order                                                                                                                                                                                                                       |
| PARTIES            | Christopher Wirowek et al. v. Amazon.com, Inc. et al.                                                                                                                                                                                                 |

TOPICS

- discovery dispute
- civil procedure
- products liability
- personal injury

PRACTICE AREAS

civil procedure

discovery

products liability

personal injury

## QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to conduct discovery concerning 77 ladders allegedly identical to the subject ladder.
2. Whether Plaintiff should be granted leave to take a second Rule 30(b)(6) deposition of Amazon.com, Inc.
3. Whether the second deposition should be limited to the four ladders Plaintiff purchased and tested.

## HOLDINGS

1. Plaintiff established a sufficient basis for discovery concerning the four ladders that he purchased and tested, but failed to establish entitlement to discovery concerning the remaining 73 ladders.
2. The court granted Plaintiff leave to conduct a second deposition of Amazon and permitted the deposition only as to the four ladders that Plaintiff purchased and tested.

## KEY QUOTATIONS

*“Accordingly, the Court permits the second 30(b)(6) deposition, which will be limited to the four ladders that were tested.”* (at 2)

## FACTUAL BACKGROUND

Plaintiff alleges that he was injured when the rails of a telescoping ladder buckled and bent between two rungs, causing him to fall. Plaintiff purchased and tested four of 77 ladders that he believed were the same product as the subject ladder, and reported that the four ladders shared the same design, dimensions, materials, and allegedly defectively thin aluminum telescoping rails. Plaintiff made no comparable showing that the other 73 ladders were the same product.

## PROCEDURAL HISTORY

Plaintiff sought a second deposition of Amazon concerning 77 ladders. The court found that Plaintiff made a sufficient discovery showing as to four ladders that Plaintiff purchased and tested, but not as to the remaining 73 ladders. The court granted leave for a second deposition and limited it to the four tested ladders, thereby disposing of the discovery letter.

## DISPOSITION

other

## CASES CITED

- M.D. v. County of San Bernardino, No. 5:22-cv-01357-SP, 2025 U.S. Dist. LEXIS 53262, at \*7 (C.D. Cal. Feb. 10, 2025)

- Roe v. Frito-Lay, Inc., Case No. 14-cv-751-HSG (KAW), 2016 U.S. Dist. LEXIS 56240, at \*5-\*6 (N.D. Cal. Apr. 26, 2016)

## OPINION

Wirowek

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 CHRISTOPHER WIROWEK, et al., Case No. 24-cv-06795-VC (KAW) 8 Plaintiffs,

ORDER REGARDING 11/19/2025

9 v. DISCOVERY LETTER

10 AMAZON.COM, INC., et al., Re: Dkt. No. 48 11 Defendants. [Discovery Letter No. 3] 12 13

On November 19, 2025, the parties filed a joint letter regarding a second deposition of 14 Defendant Amazon.com, Inc. (Discovery Letter, Dkt. No. 48.) Plaintiff seeks to depose 15 Defendant on 77 ladders that Plaintiff believes are the same as the subject ladder at issue in this 16 case. (Id. at 7.) In support, Plaintiff states it purchased four of the 77 ladders and tested them, 17 finding that the four ladders shared the same design, dimensions, materials, and “defectively thin 18 aluminum telescoping rails as the subject ladder.” (Id.) 19 With respect to the four ladders that were tested, the Court finds that Plaintiff has made a 20 sufficient showing for discovery purposes to suggest that the ladders may be the same product as 21 the subject ladder. In particular, the ladders appear to have the same defect, as Plaintiff asserts 22 that he was injured when “the rails of the [subject ladder] buckled and bent in between two rungs,” 23 causing him to fall. (Third Amend. Compl. ¶ 23, Dkt. No. 25.) Thus, it is no longer as speculative 24 that the ladders are the same product, such that discovery is permissible. 25 As to the other 73 ladders, however, Plaintiff has still made no showing that they are the 26 same product. Thus, Plaintiff has not carried his burden of establishing that he is entitled to this 27 discovery. 1 permitted. First, Defendant argues that discovery on other products is irrelevant in this case. 2 (Discovery Letter at 5.) Plaintiff, however, is arguing that the four ladders are the same product 3 || based on the test results. Second, Defendant argues that the discovery request is overly 4 || burdensome because the new topics cover four general areas for 77 different products, or 5 || effectively 308 subtopics. Ud.) As the Court is limiting the deposition to the four ladders that 6 || were tested, the discovery request is significantly less burdensome and expansive. Finally, 7 Defendant contends that Plaintiff is only entitled to one deposition of Defendant, such that leave 8 || of court is required. (Ud. at 6.) Courts have raised some skepticism as to whether leave of court is 9 || required for a second deposition of an entity, as “[t]he prime objective of the one-deposition 10 || provision in Rule 30(a) is to guard against imposing burdens on an individual deponent. An 11 organizational party subject to a Rule 30(b)(6) notice may designate whomever it chooses -- or q 12 several different people -- to testify.

As a result, the likelihood of the sort of imposition the rule 5 13 || guards against is quite small.” M.D. v. Cty. of San Bernardino, No. 5:22-cv-01357-SP, 2025 U.S. S 14 Dist. LEXIS 53262, at \*7 (C.D. Cal. Feb. 10, 2025) (internal quotation omitted); see also Roe v. 3 15 || Frito-Lay, Inc., Case No. 14-cv-751-HSG (KAW), 2016 U.S. Dist. LEXIS 56240, at \*5-6 (N.D. 16 || Cal. Apr. 26, 2016) (explaining that “Rule 30(b)(6) depositions are different from depositions of 5 17 individuals” and permitting a second 30(b)(6) deposition that was not “unreasonably cumulative 5 1g || or duplicative”). In any case, the Court gives leave for Plaintiff to conduct a second deposition of 19 || Defendant for the reasons stated above. 20 Accordingly, the Court permits the second 30(b)(6) deposition, which will be limited to the four ladders that were tested. 27 This order disposes of Dkt. No. 48. 93 || IT IS SO ORDERED. 94 || Dated: December 2, 2025 . United States Magistrate Judge 27 28