

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

OPINION

Wirowek

PER CURIAM.

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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