

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lopez v. Harley-Davidson, Inc.

Lopez · No. 24-cv-04320-RS (LJC) · Decided March 11, 2025

SUMMARY

The United States District Court for the Northern District of California resolves a discovery dispute concerning Harley-Davidson’s deposition subpoena to Plaintiff’s counsel regarding efforts to preserve a motorcycle at issue in the litigation. The Court declines to require compliance with the subpoena at this time and instead directs the parties to establish a deadline and scope for a declaration describing the preservation efforts and destruction circumstances, with possible follow-up discovery.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Lisa J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 11, 2025
DOCKET	24-cv-04320-RS (LJC)
DISPOSITION	other
PROCEDURAL POSTURE	The court resolved a joint discovery letter concerning Harley-Davidson's deposition subpoena to the law firm representing plaintiffs.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Oksana Lopez, et al. v. Harley-Davidson, Inc.

TOPICS

- discovery dispute
- evidence
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- evidence
- commercial litigation

QUESTIONS PRESENTED

1. Whether Harley-Davidson should be permitted to proceed immediately with a deposition subpoena directed to plaintiffs' counsel concerning preservation and destruction of the motorcycle.

2. Whether a detailed declaration concerning the law firm's preservation efforts and the circumstances of the motorcycle's destruction would be an appropriate initial means of addressing the asserted spoliation concerns.
3. What procedure should govern any request for supplemental discovery, including a further declaration or deposition, after the declaration is provided.

HOLDINGS

1. Walkup, Melodia, Kelly & Schoenberger need not comply with Harley-Davidson's deposition subpoena at that time.
2. A declaration may provide suitable evidence to address concerns about the preservation and collection of evidence, although gaps in the declaration may support further inquiry.

KEY QUOTATIONS

“WMKS need not comply with the subpoena at this time. Instead, within seven days, the parties shall meet and confer to determine a deadline for Doris Cheng to provide a declaration with a detailed explanation of her firm’s efforts to preserve the decedent’s motorcycle and the circumstances under which it was destroyed.”

(at 1)

FACTUAL BACKGROUND

The action concerns a motorcycle that Harley-Davidson contends was not adequately preserved and was later destroyed. Harley-Davidson sought to depose plaintiffs' counsel, Walkup, Melodia, Kelly & Schoenberger, regarding the firm's preservation efforts. Harley-Davidson also raised concerns that records from Interstate Services contained redactions and omissions.

PROCEDURAL HISTORY

Harley-Davidson subpoenaed Walkup, Melodia, Kelly & Schoenberger, plaintiffs' counsel, seeking information concerning efforts to preserve a motorcycle at issue in the action and the circumstances of its destruction. The parties submitted a joint discovery letter, and the court ordered that the subpoena need not be complied with at that time, instead requiring a declaration and providing a procedure for requesting limited supplemental discovery.

DISPOSITION

other

CASES CITED

- Google, Inc. v. Am. Blind & Wallpaper Factory, Inc., No. C 03-5340, 2007 WL 1848665, at *2 (N.D. Cal. June 27, 2007)
- 2198257, at *1, *5 (N.D. Cal. June 2011)

