

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Peterson, et al.,

Civil No. 07-2502 MJD/AJB

Plaintiffs,

v.

**ORDER ON MOTION
FOR PROTECTIVE ORDER**

Seagate US LLC,

Defendant.

This matter is before the Court, Magistrate Judge Arthur J. Boylan, on defendant's motion for protective order [Docket No. 237]. Defendants seek an order prohibiting plaintiffs from conducting discovery relating to a workforce reorganization conducted at Seagate's Oklahoma City facility in 2003. Hearing on the motion was held on July 1, 2010, at the U.S. Courthouse, 316 No. Robert St., St. Paul, MN 55101. Beth Bertelson, Esq., and Dorene R. Sarnoski, Esq., appeared on behalf of the plaintiffs. Marko Mrkonich, Esq., and Susan K. Fitzke, Esq., appeared on behalf of the defendant.

Based upon the file, memorandums, exhibits, declarations and affidavits, and arguments of counsel, **IT IS HEREBY ORDERED THAT:**

1. Defendant Seagate's Motion for Protective Order is **denied** as specifically provided herein [Docket No. 237].

2. Defendant's motion for protective order with respect to plaintiffs' Interrogatory No. 23, seeking identification of individual employees who were offered transfers as part of the Oklahoma Reengineering Relocation Project for the time frame January 1, 2003 –January 31, 2005, and further seeking specified information regarding each identified individual, is denied. The court has previously ordered that discovery be provided with regard to

the Oklahoma City facilities for the time period addressed in the present motion for protective order. Although the court denied plaintiffs' request for identification and information relating to all employees in its Order dated March 31, 2009,¹ on grounds that the discovery was over broad and unduly burdensome, the court expressly determined that such inquiry was relevant to claims in the case and would be allowed if the scope of the requested answers was properly narrowed. This motion is essentially an untimely motion to reconsider the court's prior decision with respect to relevance [Docket No. 157]. The court finds that the same reasoning under Fed. R. Civ. P. 26(b)(1) applies and the scope of the discovery has been sufficiently narrowed to individuals who were offered transfers as part of the Oklahoma Reengineering Relocation Project. The court finds that Interrogatory No. 23 is consistent with allowable discovery under the March 31, 2009, Order, and the court finds no basis for either reconsideration or modification of pertinent terms of that Order.

3. Defendant's motion for protective order with respect to plaintiffs' Document Request No. 42, seeking production of all documents, with metadata, including transfer/relocation packages offered to Oklahoma City employees, is denied. The court finds that the requested material is relevant or the discovery appears reasonably calculated to lead to the discovery of admissible evidence. The discovery is therefore permissible pursuant to Fed. R. Civ. P. 26(b)(1), and defendant has not persuasively shown that it is entitled to protection under Fed. R. Civ. P. 26(b)(2) or (c).

4. Defendant Seagate's request for expenses and attorney's fees incurred in bringing the motion for protective order is denied.

¹ Docket No. 157. Order, ¶ VII.

Dated: August 2, 2010

s/Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge

MEMORANDUM

Defendant relies substantially on a contention that the discovery at issue is not relevant because a cause of action could not be maintained by Oklahoma City employees with respect to the 2003 transfer/relocation project. The court is wholly unpersuaded that existence of a cause of action, or not, would dispositively establish relevance for discovery purposes, particularly where the arguable expiration of the statute of limitations is the basis for the defense. In any event, the court has already determined that the information that plaintiff is seeking is not protected from discovery on relevance grounds. See Order dated March 31, 2009 [Docket No. 157].