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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSE GUADALUPE PEREZ-FARIAS,)	NO. CV-05-3061-MWL
et al.,)	
)	ORDER DENYING DEFENDANTS'
Plaintiffs,)	MOTION FOR A PROTECTIVE ORDER
)	
vs.)	
)	
GLOBAL HORIZONS, INC.,)	
et al.,)	
)	
Defendants.)	
_____)	

On November 22, 2006, Defendants Global Horizons, Inc., Mordechai Orian, Jane Doe Orian and Platte River Insurance Company ("Defendants") filed a motion for a protective order relating to the deposition of Defendant Mordechai Orian. (Ct. Rec. 183). Plaintiffs filed a response on December 4, 2006. (Ct. Rec. 191). Defendants filed a reply on December 11, 2006. (Ct. Rec. 197). The matter came on for hearing, without oral argument, on December 28, 2006.

BACKGROUND

On November 13, 2006, Plaintiffs conducted the deposition of Mordechai Orian. During the deposition, counsel for Defendants, Howard Foster, raised objections, instructed his client not to answer and indicated he would be filing a motion for a protective order with respect to two specific areas of inquiry. (Ct. Rec. 184, Exh. A). Defendants subsequently filed a motion for a protective order seeking to prohibit Plaintiffs from inquiring into the recruitment and

1 transportation of H-2A workers from Thailand by Defendants and the
2 lawsuit between Bruce Schwartz and Global Horizons. (Ct. Rec. 184).
3 Plaintiffs responded that the two areas of inquiry were relevant as
4 they were reasonably calculated to lead to the discovery of admissible
5 evidence. (Ct. Rec. 191). Defendants replied that the actual
6 information requested by Plaintiffs at the deposition was not relevant
7 to Plaintiffs' case. (Ct. Rec. 197).

8 DISCUSSION

9 Protective Orders

10 For "good cause shown," a court may issue a protective order that
11 "discovery may be had only on specified terms and conditions." Fed.
12 R. Civ. P. 26(c)(2). Fed. R. Civ. P. 26(c) is a safeguard to protect
13 parties and witnesses in view of Fed. R. Civ. P. 26(b)'s broad
14 discovery rights. *United States v. Columbia Broadcasting System,*
15 *Inc.*, 666 F.2d 364, 368-369 (9th Cir. 1982). Under Fed. R. Civ. P.
16 26(c), this Court may issue protective orders for persons subject to a
17 subpoena and "for good cause shown . . . may make any order which
18 justice requires to protect a party or person from annoyance,
19 embarrassment, oppression, or undue burden or expense," including:

- 20 1. Prohibiting disclosure or discovery;
- 21 2. Conditioning disclosure or discovery on specified terms;
- 22 3. Preventing inquiring into certain matters; or
- 23 4. Limiting the scope of disclosure or discovery to certain
24 matters.

25 To obtain a protective order, the party resisting discovery or
26 seeking limitations must show "good cause" for its issuance. Fed. R.
27 Civ. P. 26(c); *Jepson, Inc. v. Makita Elec. Works, Ltd*, 30 F.3d 854,
28 858 (7th Cir. 1994). Generally, a party seeking a protective order

1 has a "heavy burden" to show why discovery should be denied and a
2 strong showing is required before a party will be denied the right to
3 take a deposition. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429
4 (9th Cir. 1975). "If the motion for protective order is denied in
5 whole or in part, the court may, on such terms and conditions as are
6 just, order that any party or other person provide or permit
7 discovery." Fed. R. Civ. P. 26(c).

8 Analysis

9 Defendants argue that Plaintiffs inquired into two areas which
10 lack relevancy to Plaintiffs' case; specifically, Global's recruitment
11 process and the transportation of H-2A workers from Thailand, the
12 subject of a separate pending lawsuit against Global in this Court
13 (*Yapunaya et al. v. Global Horizons, Inc., et al.*, Case No. CV-06-
14 3048-RHW (E.D. Wash. 2006)), and the facts surrounding a lawsuit
15 between Global and Bruce Schwartz, a former employee. (Ct. Rec. 184,
16 pp. 2-3).

17 Defendants assert that Plaintiffs' case concerns allegations that
18 Defendants did not follow written employment agreements between itself
19 and the class members, as well as allegations that Global terminated
20 employees based on discriminatory reasons. Defendants contend that
21 Global's recruitment process of H-2A workers (non-parties in this
22 case) does not relate to Plaintiffs' allegations in the instant case.
23 With regard to the Schwartz lawsuit, Defendants assert that the case
24 between Schwartz and Global concerns unfair competition and has
25 nothing to do with violations of state or federal discrimination laws
26 or agricultural worker protection acts. (Ct. Rec. 184). For these
27 reasons, Defendants requested that the Court issue a protective order
28 preventing Plaintiffs from inquiring into these areas.

1 Plaintiffs respond that inquiry regarding Defendants' recruitment
2 process of H-2A workers from Thailand is material since it could lead
3 to information demonstrating that Defendants intended to hire H-2A
4 workers from Thailand rather than Plaintiffs, information directly
5 relevant to a cause of action in their complaint. (Ct. Rec. 191, p.
6 2). Plaintiffs argue that inquiry into the recruitment process of H-
7 2A Thai workers could establish that Defendants had no intention of
8 offering employment to Plaintiffs because it planned on using workers
9 from Thailand.

10 With regard to the Schwartz litigation, Plaintiffs contend that
11 just because the causes of action in that case may be different from
12 the claims alleged in the instant case, it does not mean that
13 information related to Mr. Schwartz is not relevant to this case.
14 (Ct. Rec. 191, pp. 3-4). Regardless of the difference between the
15 causes of action in the two cases, Plaintiffs assert that inquiry into
16 the Global-Schwartz relationship, and their activities in the state of
17 Washington, could lead to the discovery of admissible evidence. It is
18 apparent that the two lawsuits share similar underlying facts;
19 therefore, inquiry could potentially lead to relevant information.

20 Defendants reply that Plaintiffs did not request information
21 relating to Global's "hiring intent" during the deposition, but
22 focused instead on the recruitment process which is not a relevant
23 subject in the instant case. (Ct. Rec. 197). Defendants argue that
24 Plaintiffs should not be permitted to inquire into the Schwartz
25 litigation but rather may simply inquire into the role Schwartz had in
26 dealing with certain state and federal regulations while employed at
27 Global. (Ct. Rec. 197).

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1 Defendants, as the party seeking to obtain the protective
2 order, must show "good cause" for its issuance. Fed. R. Civ. P.
3 26(c); *Jepson*, 30 F.3d at 858. As the party seeking the protective
4 order, Defendants have a "heavy burden" to show why discovery should
5 be limited, and a strong showing is required before the Court will
6 deny Plaintiffs' privilege to inquire into the areas of which
7 Defendants object. *Blankenship*, 519 F.2d at 429. For good cause
8 shown, this Court may issue a protective order to protect a party from
9 annoyance, embarrassment, oppression, or undue burden or expense.
10 Fed. R. Civ. P. 26(c).

11 The undersigned agrees with Plaintiffs that inquiry into the two
12 questioned areas could very well lead to admissible evidence. If the
13 discovery appears reasonably calculated to lead to the discovery of
14 admissible evidence, the information is deemed relevant and
15 discoverable. Fed. R. Civ. P. 26(b). The undersigned thus finds that
16 Defendants have failed to satisfy their burden of demonstrating good
17 cause for the issuance of a protective order to prohibit Plaintiffs
18 from inquiring into Global's recruitment process of H-2A workers from
19 Thailand and information related to Bruce Schwartz.

20 CONCLUSION

21 Based on the foregoing, the Court **DENIES** Defendants' motion for a
22 protective order. (**Ct. Rec. 183**).

23 By denying this motion for a protective order, the Court agrees
24 with Plaintiffs' position that these areas of inquiry are relevant and
25 that the requested discovery is permissible.

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