

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/18/16

DEPT. 71

HONORABLE SUZANNE G. BRUGUERA

JUDGE

R. INOSTROZA

DEPUTY CLERK

HONORABLE
NONAPPEARANCE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. RANDLE C.A.

Deputy Sheriff

NONE

Reporter

4:30 pm

BC613949

NO LEGAL FILE

Plaintiff

Counsel

ARIANA CASTANEDA

NO APPEARANCES

VS

Defendant

CHIPOTLE MEXICAN GRILL INC ET A

Counsel

NATURE OF PROCEEDINGS:

NONAPPEARANCE CASE REVIEW RE RULING ON MATTER TAKEN UNDER SUBMISSION ON 11/07/16;

NOTICE OF ENTRY OF RULING ON SUMMITTED MATTER;

For reasons stated in the moving papers and articulated by counsel at oral argument, the Court rules as reflected in Ruling on Submitted Matter signed and filed this date incorporated herein by reference to the case file.

Plaintiff Ariana Castaneda's motion to compel further is granted as to Form Interrogatories 12.3 and 216.1, as well as, Special Interrogatories Nos. 54 and 55. The parties shall meet and confer over an appropriate protective order.

The parties' requests for sanctions are denied.

Plaintiff to give notice.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the MINUTE ORDER DATED 11/18/16 AND

<p>MINUTES ENTERED 11/18/16 COUNTY CLERK</p>
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VS

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CHIPOTLE MEXICAN GRILL INC ET A

Counsel

NATURE OF PROCEEDINGS:

COPY OF SIGNED RULING ON SUBMITTED MATTER upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in LOS ANGELES, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: 11/22/16

Sherri R. Carter, Executive Officer/Clerk

By:

R. Inostroza

R. INOSTROZA, DEPUTY CLERK

✓
T. JOSHUA RITZ
14724 VENTURA BL., STE. 510
SHERMAN OAKS, CA 91403

<p>MINUTES ENTERED 11/18/16 COUNTY CLERK</p>
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEPARTMENT 71

RULING ON SUBMITTED MATTER

ARIANA CASTANEDA,

vs.

CHIPOTLE MEXICAN GRILL, INC., et al.

Case No.: BC613949

Hearing Date: November 7, 2016

Plaintiff Ariana Castaneda's motion to compel further is granted as to Form Interrogatories 12.3 and 216.1, as well as, Special Interrogatories Nos. 54 and 55. The parties shall meet and confer over an appropriate protective order.

The parties' requests for sanctions are denied.

Plaintiff Ariana Castaneda ("Plaintiff") moves for an order compelling Defendant Chipotle Services, LLC ("Defendant") to provide further responses to Form Interrogatories and Special Interrogatories. Plaintiff also requests an award of sanctions in the amount of \$5,460.00. Defendant, in opposition, requests an award of sanctions in the amount of \$5,705.00.

After meet and confer efforts, the only requests that remain an issue are Form Interrogatories 12.3 and 216.1 and Special Interrogatories Nos. 54 and 55. (Defendant's Supplemental Memorandum, pg. 3)(Plaintiff's Supplemental Reply, pg. 3). Defendant served supplemental responses to the requests. However, Plaintiff contends Defendant's refusal to provide the contact information for witnesses identified in response to the requests, including present and former employees, remains at issue. (Plaintiff's Supplemental Reply, pg. 3).

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Superior Court of California
County of Los Angeles
NOV 18 2016
Sherri R. Carter, Executive Officer/Clerk
By: R. Inostroza, Deputy

C.C.P. §2017.010 provides, as follows: “Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action. Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.”

C.C.P. §2017.010 “provides a broad right to discover any relevant information that is not privileged, including the identity and location of witnesses.” *Crab Addison, Inc. v. Superior Court* (2008) 169 Cal.App.4th 958, 965-966 (Citations Omitted). “[C]entral to the discovery process is the identification of potential witnesses. ‘The disclosure of the names and addresses of potential witnesses is a routine and essential part of pretrial discovery.’ Indeed, our discovery system is founded on the understanding that parties use discovery to obtain names and contact information for possible witnesses as the starting point for further investigations...” *Id.* at 966 (Citations Omitted).

However, the right to discovery “is not absolute, particularly where issues of privacy are involved.” *Id.* (Citations Omitted). “The right of privacy in the California Constitution (art. I, § 1), ‘protects the individual’s *reasonable* expectation of privacy against a *serious* invasion.’ The court must balance the public need against the weight of the privacy right. This ‘requires a careful evaluation of the privacy right asserted, the magnitude of the imposition on that right, and the interests militating for and against any intrusion on privacy.’ In conducting this evaluation, we must determine whether the person claiming the privacy right has a ‘legally protected privacy interest’; whether the person has a ‘reasonable expectation of privacy under the particular circumstances, including the customs, practices, and physical settings surrounding particular activities’; and whether the invasion of privacy is serious rather than trivial.” *Id.* (Citations Omitted).

Defendant’s former and current employees have a legitimate expectation of privacy in their contact information (i.e. addresses and telephone numbers). *Id.* However, “[w]hile contact information generally is considered private, this ‘does not mean that the individuals would not want it disclosed under these circumstances.’ While employees would not likely want their contact information

broadly disseminated, this does not mean they would want it withheld ‘from plaintiffs seeking relief for violations of employment laws in the workplace that they shared.’ Rather, employees similarly situated to petitioners ‘may reasonably be supposed to want their information disclosed to counsel whose communications in the course of investigating the claims asserted in [petitioners’] lawsuit may alert them to similar claims they may be able to assert.’” *Id.* at 967 (Citations Omitted).

The Court finds a serious invasion of privacy will *not* result if Defendant is ordered to provide the contact information of former and current employees identified in the supplemental discovery responses. The requested contact information, while personal, is not “particularly sensitive.” *Id.* The current and former employees have already been identified by Defendant in the supplemental discovery responses as witnesses and/or potential witnesses (i.e. current employees who were Plaintiff’s co-workers, former employees who were Plaintiff’s co-workers, individuals having knowledge of the facts supporting Defendant’s denial or affirmative defenses, etc.). “[C]ontact information for witnesses ordinarily is produced during discovery, and ‘it is neither unduly personal nor overly intrusive.’” *Id.* (Citations Omitted). There is no evidence before the Court showing that “disclosure of the contact information for these already identified witnesses [/potential witnesses] [is] a transgression of the witnesses’ privacy that [is] ‘sufficiently serious in [its] nature, scope, and actual or potential impact to constitute an egregious breach of the social norms underlying the privacy right.’” *Id.*¹

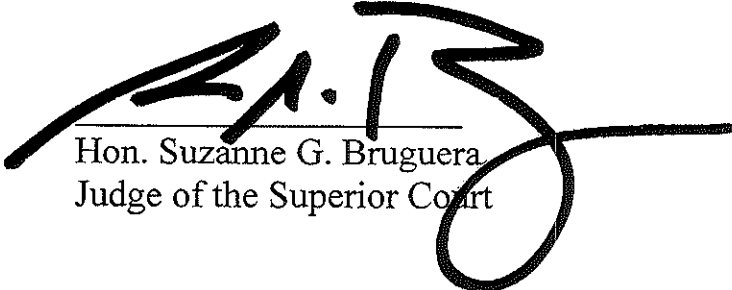
Even assuming, arguendo, a serious invasion of privacy, the Court finds the former and current employees’ privacy interests are outweighed by “the fundamental public policy underlying California’s employment laws” implicated in this case, as well as, the State’s compelling interests in “seeking the truth in court proceedings” and “ensuring that those injured by the actionable conduct of others receive full redress of those injuries.” *Id.* at 968. See also *Johnson v. Superior Court* (2000) 80 Cal.App.4th 1050, 1071.

Based on the foregoing, Plaintiff’s motion to compel further is granted as to Form Interrogatories 12.3 and 216.1 and Special Interrogatories Nos. 54 and 55. The parties shall meet and confer over an appropriate protective order. The parties’ sanctions are denied. The Court finds the imposition of sanctions would

¹ “[W]hen the court concludes that there is no serious invasion of privacy no balance of opposing interests is required.” *Id.* at 968 (Citations Omitted).

be unjust in light of Plaintiff's failure to comply with C.C.P. §2023.040² and the nature of the discovery dispute at issue. See C.C.P. §2030.300(d).

Dated: November 18, 2016



Hon. Suzanne G. Bruguera
Judge of the Superior Court

² Plaintiff did not, in the notice of motion, “identify each person, party, and attorney against whom the sanction is sought...” C.C.P. §2023.040.