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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

DANA WHITFIELD,  
Plaintiff,  
v.  
SWIFTCART LOGISTICS, LLC; and DOES  
1-100, inclusive,  
Defendants.

CASE NO. 2:20-cv-09431-RGK(JEMx)  
**DEFENDANT SWIFTCART  
LOGISTICS, LLC'S RESPONSES TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS, SET  
ONE**

PROPOUNDING PARTY: Plaintiff DANA WHITFIELD  
RESPONDING PARTY: Defendant SWIFTCART LOGISTICS, LLC  
SET NO.: ONE (1)

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant SwiftCart Logistics, LLC ("SwiftCart" or "Defendant"), by and through the undersigned counsel, provide the following responses and objections to Plaintiff Dana Whitfield's ("Plaintiff") Requests for Production of Documents Set One, dated August 2, 2021 (hereinafter "Requests") and Definitions contained therein.

## **PRELIMINARY STATEMENT**

Defendant has not completed its investigation of this action, has not completed discovery, and has not completed its trial preparation. Accordingly, the Responses contained herein are based on Defendant's knowledge, information, and belief at this time, and are made without prejudice to any objections. It is anticipated that further independent investigation, discovery, legal research, and analysis will supply additional facts, add meaning to the known facts, and establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the Responses set forth herein.

The following Responses are given without prejudice to Defendant's right to introduce evidence of any subsequently discovered fact or facts which Defendant may later locate or recall. Defendant accordingly reserves the right to change any and all Responses as additional facts are ascertained, further analysis and legal research are completed, and/or contentions are made. The Responses herein are made in a good faith effort to supply as much information as is presently known, which should in no way be to the prejudice of Defendant in relation to further discovery, research, or analysis. All of Defendant's Responses are made subject to this Preliminary Statement.

## **GENERAL OBJECTIONS**

Specific objections to the Requests are made on an individual basis in Defendant's Responses below. In addition to these specific objections, Defendant makes general objections to the Requests and the Definitions governing them. Defendant's specific objections to the Requests are submitted without waiving any of the general objections, even if not expressly set forth in the individual response. The inclusion of any objection in any specific Response is not a waiver of any general objection.

1. Defendant objects to the Requests, including any "Definitions" therein, to the extent that they attempt or purport to impose obligations beyond those imposed or authorized by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the Central District of California, any other applicable federal or state law, and any agreements between the parties. Defendant will construe and respond to the Requests in accordance with the requirements of the Federal Rules of Civil Procedure and other applicable rules or laws.
2. Defendant objects to the Requests to the extent that they seek information or documents that are unrelated to the allegations in the Second Amended Complaint, irrelevant to the claims in, or defenses to, this litigation, and disproportionate to the needs of the case, or are of such marginal relevance that their probative value is outweighed by the burden imposed on Defendant in having to search for and provide such documents or information.

3. Defendant objects to the Requests to the extent that they seek information that is protected from disclosure by any applicable privilege, including, but not limited to, the attorney-client privilege and the attorney work product doctrine. Inadvertent production of any information or documents that are privileged or otherwise immune from discovery shall not constitute a waiver of any privilege or of any other ground for objecting to the discovery with respect to such information or documents or the subject matter thereof, or the right of Defendant to object to the use of any such information or documents or the subject matter thereof during these or any other proceedings.
4. Defendant objects to the Requests to the extent that they seek proprietary or other confidential information or documents. To the extent any proprietary or confidential information or documents, trade secret, or other sensitive or protected business information or documents are non-privileged and responsive to the Requests and not objectionable, Defendant will produce such information or documents in accordance with the Stipulated Protective Order to be entered in this litigation, and such other procedures as the party or Court may establish to protect sensitive or confidential information or documents. Defendant will not produce any sensitive or confidential information or documents until the Court approves the Stipulated Protective Order to be finalized by the parties.
5. Defendant objects to the Requests to the extent they seek information that is not within the possession, custody or control of Defendants, is publicly available, or is within the possession, custody or control of Plaintiff. Defendant's Responses are based on its understanding that Plaintiff seeks only information that is within Defendant's possession, custody, and control.
6. Defendant objects to the Requests to the extent they seek to impose an obligation on Defendant to conduct anything beyond a diligent search and reasonable inquiry of readily accessible files, including electronic files, where responsive documents would reasonably be expected to be found.
7. Defendant objects to the Requests to the extent that they use words and phrases that are not defined in an understandable manner or are vague and ambiguous. Defendant will interpret the terms and phrases used in the Requests as those terms and phrases are understood to Defendant.
8. Defendant objects to the Requests to the extent they do not identify the documents sought with reasonable particularity as required by Rule 34(b) of the Federal Rules of Civil Procedure.

9. The Responses given herein to any one or more of these Requests shall not be construed or deemed as an admission as to the existence or non-existence of any document, or as an admission or waiver of any question or right of objection as to authenticity, competency, relevancy, materiality, admissibility, or any other objection Defendant may have, and such objections are expressly reserved.

## **SPECIFIC RESPONSES AND OBJECTIONS**

### **REQUEST FOR PRODUCTION NO. 1:**

PLAINTIFF's personnel file.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant further objects to the extent the Request seeks documents that are already in Plaintiff's possession.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce Plaintiff's personnel file.

### **REQUEST FOR PRODUCTION NO. 2:**

Any DOCUMENTS signed by PLAINTIFF.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant further objects on the grounds that the undefined phrase "signed by" is vague and ambiguous. Defendant further objects to the extent the Request seeks documents that are already in Plaintiff's possession. Defendant further objects to the extent the Request seeks "documents signed by Plaintiff" that are not in Defendant's possession, custody, or control. Defendant further objects to the extent the documents Plaintiff seeks are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce Plaintiff's personnel file.

### **REQUEST FOR PRODUCTION NO. 3:**

Any DOCUMENTS reflecting that YOU were PLAINTIFF's employer as that term is defined in Labor Code section 3351 at any time.

### **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce Plaintiff's personnel file.

**REQUEST FOR PRODUCTION NO. 4:**

Any and all versions, revisions, amendments, or editions of any employee or personnel handbook in effect during PLAINTIFF's employment with YOU.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant further objects on the grounds that the undefined terms "employee or personnel handbook" and "in effect" are vague and ambiguous. Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce versions of the "Owner's Manual and Guide to Employment" applicable to Plaintiff during her employment with Defendant, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all versions, revisions, amendments, or editions of any employee or personnel handbook in effect at any time between December 1, 2019 and the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant further objects on the grounds that the undefined terms "employee or personnel handbook" and "in effect" are vague and ambiguous. Defendant further objects to

this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce versions of the “Owner’s Manual and Guide to Employment” and “3P Associate Guide” applicable to non-exempt employees who worked for SwiftCart from December 1, 2019 to the present, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 6:**

The job description for each position held by PLAINTIFF during her employment with YOU.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined term “YOU” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects on the grounds that the undefined term “job description” is vague and ambiguous. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce documents sufficient to show the job description for all job titles held by Plaintiff during her employment with Defendant, to the extent that they exist and can be located after a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all DOCUMENTS RELATING to the pay and benefits for each position PLAINTIFF held during her employment with YOU.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “pay and benefits.” Defendant objects to Plaintiff’s use of defined term “YOU” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this

Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce documents sufficient to show the amount of pay received during employment and employment benefits for each position Plaintiff held during her employment with Defendant.

**REQUEST FOR PRODUCTION NO. 8:**

All DOCUMENTS, including but not limited to time cards and timekeeping software entries, on which PLAINTIFF's time worked was recorded during her employment with YOU.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrases "time cards" and "timekeeping software entries." Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are not relevant to any party's claim or defense, nor proportional to the needs of the case, and/or is unnecessarily cumulative. Defendant further objects to this Request on the grounds that the Request is unduly burdensome and oppressive. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce "Punch Origin Report" and "Time Detail Report" documents relating to Plaintiff, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all DOCUMENTS relating to YOUR policies for furnishing WAGE STATEMENTS to YOUR non-exempt California employees that were in place at any time between December 1, 2019 and the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase "policies for furnishing." Defendant objects to Plaintiff's use of defined term "YOUR" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond

those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request on the grounds that it is overbroad to the extent it seeks documents that is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce versions of the “Owner’s Manual and Guide to Employment” applicable to Plaintiff during her employment with Defendant, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 10:**

Any and all DOCUMENTS relating to YOUR practices for furnishing WAGE STATEMENTS to YOUR non-exempt California employees that were in place at any time between December 8, 2017 and the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “practices for furnishing.” Defendant objects to Plaintiff’s use of defined term “YOUR” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request on the grounds that it is overbroad to the extent it seeks documents that are neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce versions of the “Owner’s Manual and Guide to Employment” applicable to Plaintiff during her employment with Defendant, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 11:**

Any and all DOCUMENTS relating to YOUR procedures for furnishing WAGE STATEMENTS to YOUR non-exempt California employees that were in place at any time between December 8, 2017 and the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “procedures for furnishing.” Defendant objects to Plaintiff’s use of defined term “YOUR” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request on the grounds that it is overbroad to the extent it seeks documents that are neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 12:**

An exemplar of any and all formats of WAGE STATEMENTS that YOU issued to YOU non-exempt California employees between December 1, 2019 and the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrases “exemplar” of “any and all formats.” Defendant objects to Plaintiff’s use of

defined term “YOU” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive. Defendant further objects to this Request to the extent it seeks documents that are not relevant to any party’s claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks “exemplars of any and all formats” and seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 13:**

Each WAGE STATEMENT YOU furnished to PLAINTIFF during her employment.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to the extent the Request seeks documents that are already in Plaintiff’s possession. Defendant objects to Plaintiff’s use of defined term “YOU” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are not relevant to any party’s claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce all wage statements issued to Plaintiff during her employment, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 14:**

Any and all computer-generated records YOU maintain of PLAINTIFF’s earnings.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrases “computer-generated records” and “PLAINTIFF’s earnings.” Defendant objects to Plaintiff’s use of defined term “YOU” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce all wage statements issued to Plaintiff during her employment, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 15:**

Any and all DOCUMENTS relating to the manner and means by which the total number of hours worked by PLAINTIFF during each pay period was calculated.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “manner and means by which.” Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce the “Punch Origin Report” and “Time Detail Report” documents relating to Plaintiff, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 16:**

Any and all DOCUMENTS used/relied upon by YOU to calculate the total number of hours worked by PLAINTIFF during each pay period.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce the "Punch Origin Report" and "Time Detail Report" documents relating to Plaintiff, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 17:**

And any all DOCUMENTS used/relied upon by YOU to calculate the number of "AdditionalPay" hours worked by PLAINTIFF during each pay period.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce the "Punch Origin Report" and "Time Detail Report" documents relating to Plaintiff, to the extent that they exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 18:**

Any and all DOCUMENTS relating to YOUR policies, practices, or procedures for designating hours worked by PLAINTIFF as "AdditionalPay" hours.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOUR" on the grounds

that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “policies, practices, or procedures.” Defendant further objects to this Request to the extent it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work produce doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 19:**

Copies of all WAGE STATEMENTS YOU furnished to YOUR non-exempt employees within California between December 1, 2019 and the present [for privacy purposes, any identifying information of any customer may be redacted and replaced with an identifying number].

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined terms “YOU” and “YOUR” on the grounds that they are overbroad and/or seek to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request to the extent it seeks documents that are not relevant to any party’s claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 20:**

Copies of timecards, and/or other timekeeping entries, for YOUR non-exempt employees within California between December 1, 2019 [for privacy purposes, any identifying information of any customer may be redacted and replaced with an identifying number].

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined term “YOUR” on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request to the extent it seeks documents that are not relevant to any party’s claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 20:<sup>1</sup>**

Copies of all WAGE STATEMENTS YOU furnished to YOUR non-exempt employees within California between December 1, 2019 and the present associated with pay periods during which the employee earned “AdditionalPay” [for privacy purposes, any identifying information of any customer may be redacted and replaced with an identifying number].

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined terms “YOU” and “YOUR” on the grounds that they are overbroad and/or seek to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects

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<sup>1</sup>Plaintiff’s Requests for Production include two Requests numbered 20. To eliminate confusion, Defendant has preserved Plaintiff’s numbering exactly.

to this Request to the extent it seeks documents that are not relevant to any party's claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 21:**

Copies of timecards, and/or other timekeeping entries, for YOUR non-exempt employees within California between December 1, 2019 associated with pay periods during which the employee earned "AdditionalPay" [for privacy purposes, any identifying information of any customer may be redacted and replaced with an identifying number].

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOUR" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request to the extent it seeks documents that are not relevant to any party's claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 22:**

Copies of all WAGE STATEMENTS YOU furnished to YOUR non-exempt employees within California between December 1, 2019 and the present associated with pay periods during which the number of “AdditionalPay” hours identified is greater than the number identified as “Tot Work Hours” [for privacy purposes, any identifying information of any customer may be redacted and replaced with an identifying number].

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined terms “YOU” and “YOUR” on the grounds that they are overbroad and/or seek to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request to the extent it seeks documents that are not relevant to any party’s claims or defenses, nor proportional to the needs of the case, and/or is unnecessarily cumulative, particularly to the extent it seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request to the extent that it seeks class-wide merits discovery prior to class certification. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request on the ground that the Request is unduly burdensome and oppressive.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 23:**

All DOCUMENTS RELATING TO any work schedules of PLAINTIFF during her employment with YOU.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined term “YOU” on the grounds

that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request as vague and ambiguous, particularly in its use of the phrase “any work schedules.” Defendant further objects to this request as unduly burdensome to the extent it seeks documents currently in Plaintiff’s possession, custody, or control. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce a document or documents sufficient to show when Plaintiff was scheduled to work for Defendant, to the extent such documents exist and can be located after conducting a reasonably diligent search.

**REQUEST FOR PRODUCTION NO. 24:**

All COMMUNICATIONS between YOU and any PERSON, other than YOUR attorney, RELATING TO PLAINTIFF.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff’s use of defined terms “YOU” and “YOUR” on the grounds that they are overbroad and/or seek to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request as vague or ambiguous, particularly in its use of the phrase “RELATING TO PLAINTIFF.” Defendant further objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent it seeks documents that is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: After a reasonable inquiry, Defendant is not presently aware of any such communications relating to Plaintiff in its possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 25:**

All COMMUNICATIONS between YOU and PLAINTIFF.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOU" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this request as unduly burdensome to the extent it seeks documents currently in Plaintiff's possession, custody, or control. Defendant further objects to this Request on the grounds that it is overbroad and unduly burdensome to the extent it seeks documents that is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce Plaintiff's personnel file.

**REQUEST FOR PRODUCTION NO. 26:**

All DOCUMENTS RELATING TO complaints made by any of YOUR current or former non-exempt California employees regarding his/her WAGE STATEMENTS that were made within the past five (5) years.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined term "YOUR" on the grounds that it is overbroad and/or seeks to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant objects to this Request as vague and ambiguous, particularly in its use of the terms "complaints," and "regarding." Defendant further objects to this Request to the extent it seeks documents that are not relevant to any party's claims or defenses, nor proportional to the needs of the case, particularly to the extent it seeks "all DOCUMENTS" and seeks information on employees who are not similarly situated to Plaintiff. Defendant further objects to this Request as overbroad, unduly burdensome and oppressive. Defendant further objects to this Request to the extent it calls for the disclosure of confidential or proprietary information absent entry of a mutually acceptable protective order. Defendant further objects to this Request as seeking private information about persons other than Plaintiff that is protected from disclosure by the constitutional right of privacy set forth at Article I, Section I of the California Constitution, various privacy statutes, and case law. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiver of the foregoing objections, Defendant responds as follows: Defendant is willing to meet and confer with Plaintiff regarding the scope and meaning of this Request.

**REQUEST FOR PRODUCTION NO. 27:**

Any and all DOCUMENTS considered, referenced, or relied upon by YOU in preparing YOUR responses to the Interrogatories served concurrently herewith.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Defendant hereby incorporates its Preliminary Statement and General Objections as though fully set forth herein. Defendant objects to Plaintiff's use of defined terms "YOU" and "YOUR" on the grounds that they are overbroad and/or seek to impose burdens on Defendant beyond those required by the law and are not otherwise proportional to the needs of the case. Defendant further objects to the undefined terms "considered," "referenced," and "relied upon" as vague and ambiguous. Defendant further objects to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege or the attorney work product doctrine

Subject to and without waiving its foregoing objections and General Objections, Defendant responds as follows: Subject to the entry of a Stipulated Protective Order, Defendant will produce any non-privileged responsive documents located after a reasonably diligent search.

Dated: September 1, 2021

MONICA L. HARTWELL  
CATHERINE A. MORROW  
DANIEL P. KOVAC  
GRACE LIN  
STERLING, REED & ASHFORD LLP

By: \_\_\_\_\_  
Monica L. Hartwell

Attorneys for Defendant  
SWIFTCART LOGISTICS, LLC

## PROOF OF SERVICE

I, Diane M. Foster, declare as follows:

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 801 Wilshire Plaza, Los Angeles, California, 90017, in said County and State. On September 1, 2021, I served the following document(s):

### DEFENDANT SWIFTCART LOGISTICS, LLC'S RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE

on the parties stated below, by the following means of service:

Marcus T. Ellison  
Gregory S. Palmer  
Natalie R. Chen  
HARLAN & VOSS P.C.  
1100 Harbor View Drive  
Sacramento, CA 95814-2210  
Tel 916.555.2840  
Fax 916.555.2841  
Attorneys for Plaintiff Dana Whitfield and the Putative Class  
mellison@harlanvoss.com  
gpalmer@harlanvoss.com  
nchen@harlanvoss.com

- BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed to the persons as indicated above, on the above-mentioned date, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.
  
- BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service for delivery before 5:00 p.m. on the above-mentioned date. (A declaration by the messenger must accompany this Proof of Service.)

- BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above at [a.m./p.m.], on September 1, 2021. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier with delivery fees paid or provided for.
- BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis through the LexisNexis File & Serve website pursuant to the order authorizing electronic service and the instructions on that website.
- BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically uploaded a true and correct copy in Adobe “pdf” format the above-listed document(s) to the United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon receipt of the Notice of Electronic Filing (“NEF”) by the registered CM/ECF users.
- BY ELECTRONIC SERVICE:** On the above-mentioned date based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses as shown above.
- (STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2021.

/s/ Diane M. Foster  
Diane M. Foster

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