

IMAI, TADLOCK, KEENEY & CORDERY, LLP
R. RANDY WERTZ

rrwertz@itkc.com
220 Montgomery Street, Suite 301
San Francisco, California 94104
Telephone: (415) 675-7000
Facsimile: (415) 675-7008

YOUNG BASILE HANLON & MACFARLANE, P.C.

JEFFREY D. WILSON (PRO HAC VICE)

wilson@youngbasile.com

EDDIE D. WOODWORTH (PRO HAC VICE)

woodworth@youngbasile.com
3001 W. Big Beaver Road, Suite 624
Troy, Michigan 48084
Telephone: (248) 649-3333
Facsimile: (248) 649-3338

Attorneys for Defendants
IXL Learning, Inc.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ROBERTA L. STEELE

MARCIA L. MITCHELL

AMI SANGHVI

ami.sanghvi@eeoc.gov
450 Golden Gate Ave., 5th Floor West
P.O. Box 36025

San Francisco, California 94102

Telephone: (415) 522-3071

Facsimile: (415) 522-3425

Attorneys for Plaintiff EEOC

THE MAREK LAW FIRM, INC.

DAVID MAREK

david@marekfirm.com

228 Hamilton Ave.

Palo Alto, CA 94301

Telephone: (917) 721-5042

Attorney for Plaintiff-Intervenor Duane

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

ADRIAN SCOTT DUANE,

Plaintiff-Intervenor,

v.

IXL LEARNING, INC.,

Defendant.

: Case No.: 3:17-cv-02979-VC

: Hon. Vince Chhabria

: Courtroom: 4, 17th Floor

: Hearing Date: October 15, 2018

: Hearing Time: 10:00 AM

**JOINT DISCOVERY DESIGNATIONS
AND OBJECTIONS**

The Parties, by and through their undersigned counsel, hereby submit the following designations and objections:

DISCOVERY DESIGNATIONS

Discovery Response Designation	Objection
EEOC's Request for Production No. 4	
EEOC's Request for Production No. 12	
EEOC's Interrogatory No. 2	
EEOC's Interrogatory No. 4	
EEOC's Interrogatory No. 5	
EEOC's Interrogatory No. 6	
EEOC's Interrogatory No. 10	
EEOC's Request For Admission No. 4	
EEOC's Request For Admission No. 5	
EEOC's Request For Admission No. 7	
EEOC's Request For Admission No. 10	
EEOC's Request For Admission No. 15	
EEOC's Request For Admission No. 18	
EEOC's Request For Admission No. 23	
EEOC's Request For Admission No. 34	
EEOC's Request For Admission No. 35	
EEOC's Request For Admission No. 48	
EEOC's Request For Admission No. 52	
EEOC's Request For Admission No. 55	
EEOC's Request For Admission No. 59	
EEOC's Interrogatory No. 11	
EEOC's Interrogatory No. 12	
EEOC's Interrogatory No. 13	
EEOC's Interrogatory No. 14	
EEOC's Interrogatory No. 16	
EEOC's Interrogatory No. 17	

1	EEOC's Request for Production No. 32	
2	EEOC's Request for Production No. 36	
3		
4	Plaintiff-Intervenor's Response to Defendant's First Set of Interrogatories (No. 5)	[Object.] The statutory caps on compensatory and punitive damages is subject to the parties' stipulation not to offer such information, V. Miscellaneous Stipulation No. 1 in Joint Pretrial Conference Statement (ECF No. 89 at 9)]
5		
6	Plaintiff-Intervenor's Response to Defendant's First Set of Interrogatories (No. 15)	[No objection]
7		
8	Plaintiff-Intervenor's Response to Defendant's First Set of Interrogatories (No. 16)	[No objection]
9		
10	Plaintiff-Intervenor's Response to Defendant's First Set of Interrogatories (No. 17)	[No objection]
11		
12	Plaintiff-Intervenor's Response to Defendant's First Set of Interrogatories (No. 21)	[No objection]
13		
14	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 1)	[No objection]
15		
16	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 2)	[No objection]
17		
18	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 3)	[No objection]
19		
20	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 5)	[No objection]
21		
22	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 9)	[No objection]
23		
24	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 10)	[No objection]
25		
26	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 11)	[No objection]
27		
28	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 12)	[No objection]

1	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 13)	[No objection]
2		
3	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 14)	[No objection]
4		
5	Plaintiff-Intervenor's Responses and Objections to Defendant's First Set of Requests for Admission (No. 15)	[No objection]
6		
7	Plaintiff-Intervenor's Response to Defendant's Second Set of Interrogatories (No. 22)	[No objection]
8		
9	Plaintiff-Intervenor's Response to Defendant's Second Set of Interrogatories (No. 23)	[No objection]
10		
11	Plaintiff-Intervenor's Responses and Objections to Defendant's Second Set of Requests for Admission (No. 16)	[No objection]
12		
13	Plaintiff-Intervenor's Responses and Objections to Defendant's Second Set of Requests for Admission (No. 17)	[No objection]
14		
15	Plaintiff-Intervenor's Responses and Objections to Defendant's Second Set of Requests for Admission (No. 18)	[No objection]
16		
17	Plaintiff-Intervenor's Responses and Objections to Defendant's Second Set of Requests for Admission (No. 19)	[No objection]
18		
19	Plaintiff-Intervenor's Responses and Objections to Defendant's Second Set of Requests for Admission (No. 20)	[No objection]
20		
21	EEOC's Responses and Objections to Defendant's Second Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 22)	[No objection]
22		
23	EEOC's Responses and Objections to Defendant's Second Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 23)	[No objection]
24		
25	EEOC's Responses to Defendant's Second Set of Requests for Admissions to Plaintiff Equal Employment Opportunity Commission (No. 16)	[No objection]
26		
27	EEOC's Responses to Defendant's Second Set of Requests for Admissions to Plaintiff Equal Employment Opportunity Commission (No. 17)	[No objection]
28		
	EEOC's Responses to Defendant's Second Set of Requests for Admissions to Plaintiff	[No objection]

1	Equal Employment Opportunity Commission (No. 18)	
2	EEOC's Responses to Defendant's Second Set of Requests for Admissions to Plaintiff Equal Employment Opportunity Commission (No. 19)	[No objection]
3	EEOC's Responses to Defendant's Second Set of Requests for Admissions to Plaintiff Equal Employment Opportunity Commission (No. 20)	[No objection]
4	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 5)	[Object.] The statutory caps on compensatory and punitive damages is subject to the parties' stipulation not to offer such information, Section V. Miscellaneous Stipulation No. 1 in Joint Pretrial Conference Statement (ECF No. 89 at 9)]
5	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 11)	[No objection]
6	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 14)	[No objection]
7	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 15)	[No objection]
8	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 16)	[No objection]
9	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 17)	[No objection]
10	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 18)	[No objection]
11	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 19)	[No objection]
12	EEOC's Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Equal Employment Opportunity Commission (No. 20)	[No objection]

<p>1 EEOC’s Responses and Objections to 2 Defendant’s First Set of Interrogatories to 3 Plaintiff Equal Employment Opportunity 4 Commission (No. 21)</p>	<p>[No objection]</p>
<p>5 To the extent that they are or can be deemed 6 discovery responses, Defendant hereby 7 designates for introduction at trial each and 8 every paragraph of Joint Facts contained in 9 the parties' previously-filed Joint Case 10 Management Statement, (DE 23) dated 11 September 12, 2017, each and every 12 paragraph of Statement of Relevant 13 Stipulated/Undisputed Facts contained in the 14 parties’ Joint Pretrial Conference Statement 15 (DE 89) dated September 26, 2018.</p>	<p>Object to Joint Facts in “Joint Case Management Statement” (ECF No. 23, Sept. 12, 2017) being treated as discovery responses because they clearly are not discovery requests governed by Rule 26, and are also not stipulations. The Joint Case Management Statement is not discovery, was submitted prior to the parties engaging in discovery, and was not attested to under oath. Plaintiffs also object to the Stipulated/Undisputed Facts contained in the Joint Pretrial Conference Statement as being discovery. These may well be included in whatever exhibit the parties ultimately finalize in connection with Jury Instruction No. 29. To be clear, we do not dispute that the stipulated facts from ECF No. 89 would be included in the undisputed facts, but rather believe they are not appropriate for marking as a discovery designation.</p>

14 Date: October 15, 2018

/s/ Ami Sanghvi (with consent)

15 Ami Sanghvi
16 Attorney for Plaintiff
17 U.S. Equal Employment Opportunity Commission

18 Date: October 15, 2018

/s/ David Marek (with consent)

19 David Marek
20 Attorney for Plaintiff-Intervenor
21 Adrian Scott Duane

22 Date: October 15, 2018

/s/ Jeffrey D. Wilson

23 Jeffrey D. Wilson
24 Attorney for Defendant
25 IXL Learning, Inc.

LOCAL RULE 5-1(i)(3) ATTESTATION

26 Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this
27 document has been obtained from Ami Sanghvi and David Marek.

28 Date: October 15, 2018

/s/ Jeffrey D. Wilson

Jeffrey D. Wilson