No. S227228

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

MICHAEL WILLIAMS, an individual,
Petitioner,
v.

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES,
Respondent.

MARSHALLS OF CA, LLC,
Real Party in Interest.

AFTER DECISION BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION ONE
CASE B259967

FROM THE SUPERIOR COURT,
COUNTY OF LOS ANGELES,
CASE NO. BC503806, ASSIGNED FOR ALL
PURPOSES TO JUDGE WILLIAM F. HIGHBERGER,
DEPARTMENT 322

REPLY IN SUPPORT OF PETITION FOR REVIEW

CAPSTONE LAW APC
GLENN A. DANAS (SBN 270317)
ROBERT DREXLER (SBN 119119)
LIANA CARTER (SBN 201974)
STAN KARAS (SBN 222402)
1840 CENTURY PARK EAST, SUITE 450
LOS ANGELES, CA 90067
TELEPHONE: (310) 556-4811
FACSIMILE: (310) 943-0396
GLENN.DANAS@CAPSTONELAWYERS.COM
ROBERT.DREXLER@CAPSTONELAWYERS.COM
LIANA.CARTER@CAPSTONELAWYERS.COM
STAN.KARAS@CAPSTONELAWYERS.COM

Attorneys for Petitioner
MICHAEL WILLIAMS

No. S227228

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

MICHAEL WILLIAMS, an individual,
Petitioner,
v.

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES,
Respondent.

MARSHALLS OF CA, LLC,
Real Party in Interest.

AFTER DECISION BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION ONE
CASE B259967

FROM THE SUPERIOR COURT,
COUNTY OF LOS ANGELES,
CASE NO. BC503806, ASSIGNED FOR ALL
PURPOSES TO JUDGE WILLIAM F. HIGHBERGER,
DEPARTMENT 322

REPLY IN SUPPORT OF PETITION FOR REVIEW

CAPSTONE LAW APC
GLENN A. DANAS (SBN 270317)
ROBERT DREXLER (SBN 119119)
LIANA CARTER (SBN 201974)
STAN KARAS (SBN 222402)
1840 CENTURY PARK EAST, SUITE 450
LOS ANGELES, CA 90067
TELEPHONE: (310) 556-4811
FACSIMILE: (310) 943-0396
GLENN.DANAS@CAPSTONELAWYERS.COM
ROBERT.DREXLER@CAPSTONELAWYERS.COM
LIANA.CARTER@CAPSTONELAWYERS.COM
STAN.KARAS@CAPSTONELAWYERS.COM

Attorneys for Petitioner
MICHAEL WILLIAMS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

SECONDARY MATERIALS

INTRODUCTION

Marshalls of California, LLC provides no valid reason to deny Michael Williams' Petition for Review. Marshalls' arguments against review center on the general proposition that trial courts have relatively broad discretion in managing discovery. Yet invocation of this broad precept does nothing to avoid the clear conflict between the Court of Appeal's decision and the consistent line of appellate authority[1] in which California courts have found employee contact information discoverable under the California Civil Discovery Act ("Discovery Act"), without the obstacles erected by the trial court below and expanded upon by the Court of Appeal. Indeed, the Court of Appeal below failed even to discuss this line of authority, rendering Marshalls' arguments regarding the absence of a conflict particularly unpersuasive.

Review is necessary to reconcile the Court of Appeal's opinion with the results and reasoning of these prior consistent cases. Unlike the numerous prior decisions to have analyzed the discoverability of non-party employee contact information, the Court of Appeal engrafted a "good cause" requirement onto the analysis for PAGA plaintiffs seeking such contact information. This departure from the prior case law is especially remarkable because the "good cause" requirement added by the Court of Appeal below does not apply in this context, under the applicable Code of Civil Procedure provisions. Within this "good cause" analysis, using broad language and categorical reasoning, the Court of Appeal imposed on PAGA plaintiffs a set of unprecedented preliminary requirements that must be satisfied before a PAGA plaintiff may obtain basic discovery as to

[1] This line of authority includes *Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242; *Crab Addison, Inc. v. Superior Court* (2008) 169 Cal.App.4th 958; and *Belaire-West Landscape Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, all of which followed this Court's decision in *Pioneer Electronics (USA), Inc. v. Superior Court* (2007) 40 Cal.4th 360.

employees who are potential percipient witnesses. These requirements include that a PAGA plaintiff must first: (1) sit for a deposition, (2) establish as a factual matter that he personally experienced Labor Code violations, *and* (3) prove that his employer's employment policies and practices were uniform throughout California. (*Williams v. Super. Ct.* (2015) 236 Cal.App.4th 1151, 1159.)

Marshalls asserts that such preliminary requirements are standard practice among trial courts in managing discovery. However, this simply is not true. It is unprecedented to impose such requirements on a litigant simply seeking basic discovery. Indeed, Marshalls does not cite a single case where similar preliminary discovery hurdles were imposed on an employee-plaintiff, and the Court of Appeal cited none. Likewise, Marshalls' argument that review is unwarranted because the decision below is early in the case, and therefore no real obstacle, is belied by the experience of PAGA plaintiffs throughout California. As demonstrated by a number of the amicus letters filed, just in the short time since *Williams* issued, employers have broadly relied on it to refuse nearly *all* discovery related to their state-wide policies or practices, as well as to refuse to produce employee contact information.

Separately, the Court of Appeal's privacy analysis is in direct conflict with the test set forth in *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1 and followed in *Pioneer*. Marshalls argues that the Court of Appeal below employed a balancing test consistent with *Pioneer*'s reasoning. This is demonstrably false, as the Court of Appeal *did not* apply (or even acknowledge) the *Hill* test and instead applied the more stringent "compelling needs" test from *Lantz v. Superior Court* (1994) 28 Cal.App.4th 1839. Applying the "compelling need" test in the context of nonsensitive contact information, however, is at odds with *Pioneer*, and intermediate appellate decisions such as *Puerto* and *Belaire-West* . Review

is therefore necessary to address this conflict and determine the proper privacy test for discovery of nonsensitive, percipient witness contact information in PAGA actions.

Furthermore, while this case is the first to have addressed the scope of PAGA discovery at the appellate level, the decision below conspicuously omitted any mention of this Court's two seminal PAGA cases, *Arias v. Superior Court* (2009) 46 Cal.4th 969 and *Iskanian v. CLS Transportation Los Angeles LLC* (2014) 59 Cal.4th 348. Instead, the decision below severely restricting discovery for PAGA plaintiffs frustrates the PAGA plaintiff's "substantive role enforcing our labor laws on behalf of state law enforcement agencies." (*Iskanian*, 59 Cal.4th at p.388.) Indeed, if PAGA is, as this Court held, one of the "primary mechanisms for enforcing the Labor Code," *Iskanian*, 59 Cal.4th at p.383, it cannot be that a PAGA plaintiff's discovery rights are so crimped, yet this is precisely what the decision below has done. At a minimum, this Court should grant review to determine these critical issues regarding the scope of PAGA discovery.

In short, the decision below stands in direct conflict with the extant case law regarding discovery of employee contact information. Review is therefore necessary to secure uniformity of decision and to settle an important question of law and matter of first impression regarding the scope of discovery at the outset of a PAGA case.

ARGUMENT

I. THE GENERAL PRINCIPLE THAT TRIAL COURTS HAVE BROAD DISCRETION TO MANAGE DISCOVERY DOES NOT PRECLUDE REVIEW

A. Whether A Trial Court's Discretion To Manage Discovery Includes The Authority To Require An Employee-Plaintiff To Satisfy A Series Of Preliminary Merits Hurdles Before Being Allowed "Basic Civil Discovery" Warrants Review

Marshalls contends that the decision below "does nothing more than

affirm a well-established civil procedure principle." (Answer, p.2.) However, there is simply no "well-established civil procedure principle" that requires an employee-plaintiff to sit for a deposition, prove, as a factual matter, that he was subjected to the alleged violations, and establish the uniformity of the employer's policies and/or practices state-wide, all prior to obtaining employee contact information. Repeatedly this employee contact information has been referred to by the courts as "basic civil discovery." (See, e.g., *Puerto*, 158 Cal.App.4th at p.1254.) Yet the *Williams* decision lays out these requirements as prerequisite "tasks" that a PAGA plaintiff must satisfy to show "good cause" prior to receiving a list of the employer's current and former California employees whose interests they represent. (*Williams*, 236 Cal.App.4th at pp.1159, 1157.) This holding conflicts with established case law applying the well-settled liberal principles of the Discovery Act favoring disclosure of such basic contact information upon a showing of relevance. (See Code Civ. Proc. § 2017.010.)

Neither the Court of Appeal nor Marshalls even cite case law such as *Puerto*, which applied section 2017.010 and this Court's *Pioneer* holding in the context of wage-and-hour aggregate litigation to allow discovery of nonparty employee contact information. *Puerto* was followed by other intermediate appellate court opinions all concurring that such witness information is routine and discoverable, and all now in conflict with the Court of Appeal decision below. (See, e.g., *Crab Addison*, 169 Cal.App.4th at p.966; *Belaire-West*, 149 Cal.App.4th at p.562.)

Notably, not a single one of these wage and hour cases following *Pioneer* applied a "good cause" analysis or sought to impose any preliminary merits requirements on the plaintiff, which is due to the fact that the pertinent provision of the Code of Civil Procedure governing responses to interrogatories does not contain a good cause element. (See

Cal. Code Civ. Proc. § 2030.300.)[2] More importantly, this Court has cautioned against engrafting a good cause requirement onto provisions of the Discovery Act where there is none:

> The statute does not require any showing of good cause for serving and filing interrogatories. Thus, the burden of showing good cause, which the authorities mention in regard to motions for inspections and some other discovery procedures, does not exist in the case of interrogatories. It would be anomalous to hold that the mere interposing of an objection creates a burden where none existed before.

(*Coy v. Super. Ct.* (1962) 58 Cal.2d 210, 220.)

While Marshalls notes that the Court of Appeal cited Code of Civil Procedure section 2017.010 and that the "rules are applied liberally in favor of discovery," Marshalls fails to show how this citation amounted to more than a mere recitation of background law. (Answer, p.11.) Engrafting a "good cause" requirement onto section 2017.010 that requires a plaintiff to satisfy a number of merits hurdles prior to engaging in basic discovery contradicts any liberal standard favoring discovery. Also, Marshalls' argument that the Court of Appeal "did not create a new 'good cause'

---

[2] The Court of Appeal below cited only Code of Civil Procedure section 2031.310 to support its good cause requirement, which does not apply here as it addresses only requests for document inspections. The only other authority it cited was *Calcor Space Facility, Inc. v. Super. Ct.* (1997) 53 Cal.App.4th 216, which Marshalls contends that "Petitioner conveniently fails to mention . . ." (Answer, p.11.) Yet Williams **did** in fact address *Calcor* in his Petition for Review (Petition at p.16.). Moreover, *Calcor* is readily distinguishable because it addressed a demand for inspection of documents not applicable here. (*Calcor*, 236 Cal.App.4th at p.218 ["We hold a subpoena under Code of Civil Procedure section 2020, subdivision (d) . . . must describe the documents to be produced with reasonable particularity."].) Finally, exclusive reliance on *Calcor*, a commercial litigation case, to the exclusion of the *Puerto* line of cases that expressly addressed discovery of employee contact information, makes little sense.

requirement" and "did not fashion any 'new rules' or 'new hurdles'" (Answer, p.12), is belied by the fact that neither the Court of Appeal nor Marshalls cited a single case in which such barriers were placed on an employee plaintiff.

The clear line of authority beginning with *Pioneer* and continued by *Puerto* and other appellate opinions is in direct conflict with the decision below that imposed on a PAGA plaintiff a number of preliminary requirements under the auspices of a "good cause" requirement before the plaintiff may obtain discovery of percipient witness contact information consistent with the plaintiff's state-wide allegations of Labor Code violations. Review is necessary to address this conflict and determine, as a matter of first impression, whether a trial court's broad discretion over discovery includes the authority to require a preliminary showing far exceeding mere relevance before a plaintiff may obtain "basic civil discovery."

B. Whether The Stringent Privacy Test Requiring A Showing Of "Compelling Need" Rather Than The Balancing Test Applied By This Court In *Pioneer* Applies To Nonsensitive Employee Contact Information Warrants Review

Separately, the Court of Appeal's application of the heightened "compelling need" privacy test rather than this Court's *Hill* test to discovery of nonsensitive contact information created a direct conflict. The Court of Appeal applied such a test from *Lantz* requiring that a plaintiff show a "compelling need" for the information in light of the privacy interests involved. (*Lantz*, 28 Cal.App.4th at p.1853-1854.) However, in *Pioneer* and the cases that followed, this Court applied the less-searching *Hill* test to discovery of nonsensitive, minimally intrusive witness contact information. (See *Pioneer*, 40 Cal.4th at pp.372-374; see also *Puerto*, 158 Cal.App.4th at p.1254.) Despite this, Marshalls argues that the Court of

Appeal's decision is not in conflict with *Hill* because it uses a balancing test to weigh privacy interests, as if any "balancing test" will suffice. (Answer, pp.10-11 ["All of the relevant case law – *Hill*, *Lantz*, *Pioneer*, and *Belaire-West* – require a balancing of interests. And that is precisely what the Court of Appeal did here."]

However, Marshalls glosses over the fundamental difference between the *Lantz* and *Hill* tests. The heightened *Lantz* test applied by the Court of Appeal plainly requires the plaintiff to show a "compelling need" for the requested non-party information. (*Williams*, 236 Cal.App.4th at p.1158 ["The party seeking discovery must demonstrate a compelling need for discovery." [quoting *Lantz*, 28 Cal.App.4th at pp.1853-1854].) The *Hill* test expressly eschewed a per se "compelling need" requirement to all types of discovery, particularly where the information sought is nonsensitive. (*Hill*, 7 Cal.4th at pp.34-35 ["[W]e decline to hold that every assertion of a privacy interest under article I, section 1 must be overcome by a 'compelling interest.'"].)

Marshalls also argues that there is no conflict between the Court of Appeal decision and *Pioneer* because the trial court here required a *Belaire-West* privacy notice for the discovery of contact information from the Costa Mesa store. (Answer, p.9.) Yet the trial court's use of a *Belaire-West* notice solely for employees in Marshalls' Costa Mesa only raises additional questions and conflicts. For example, under *Belaire-West*, any minimal intrusion of privacy from disclosure of contact information is alleviated with an opt-out notice. (*Belaire-West*, 149 Cal.App.4th at p.562.) However, if use of a *Belaire-West* notice addresses any privacy concerns for the affected employees, why limit its use to the Costa Mesa location? Put differently, why did the Court of Appeal find that the privacy interests of employees *in other locations* outweighs Williams' right to discover their contact information if use of a *Belaire-West* notice were sufficient to take

care of the employees' privacy interests? Marshalls fails to address these inconsistencies in the Court of Appeal's opinion or more broadly how the Court of Appeal's ruling can be reconciled with *Hill* and *Pioneer*. This Court should grant review to determine the appropriate privacy test to use for PAGA plaintiffs seeking to discover the statewide contact information of their fellow aggrieved employees.

C. Whether The Purpose And Scope Of PAGA, As Articulated By This Court In *Iskanian* and *Arias*, Requires A Trial Court To Allow Discovery Necessary To Effectuate Those Purposes Warrants Review

Marshalls argues that PAGA plaintiffs such as Williams are somehow seeking "super discovery" rights that would displace a trial court's authority to regulate the cases before it. (Answer at pp.6-7.) Yet Williams is only asking for the basic discovery necessary to preliminarily investigate his statewide Labor Code claims: routine contact information. This is required in order to prosecute his representative action, just as the plaintiffs in *Pioneer*, *Puerto*, *Crab Addison*, and *Belaire-West* needed similar contact information to prosecute their class actions. Indeed, if Marshalls' contentions were true regarding a trial court's discretion, then the trial courts in *Pioneer*, *Puerto*, *Crab Addison*, and *Belaire-West* would all have had the same claim that they were divested of their authority to regulate the cases before them by this Court and the Courts of Appeal's rulings allowing the requested discovery. Instead, these are thoughtful opinions that took into consideration not only the principles governing such discovery requests under the Discovery Act as well as the claims at stake, but also the public policies behind such actions. (See, e.g., *Pioneer*, 40 Cal.4th at p.374 [noting arguments that "preventing or substantially delaying identification of witnesses and potential class members[] could make it more difficult to obtain class certification, thereby reducing the effectiveness of class actions as a means to provide relief in consumer

protection cases."]; *Puerto*, 158 Cal.App.4th at p.1256 ["As a starting point, the fundamental public policy underlying California's employment laws is implicated here, suggesting that the balance of opposing interests tips toward permitting access to relevant information necessary to pursue the litigation."].)

By completely ignoring *Iskanian* and *Arias*, the Court of Appeal here did no such analysis. By finding that a PAGA plaintiff's need for discovery is "practically nonexistent" at this time, the Court of Appeal ignores that proxies for state labor law enforcement agencies *already* represent fellow aggrieved employees statewide after fulfilling the statutory prerequisites for commencing a PAGA enforcement action. (*Williams*, 236 Cal.App.4th at p.1159.) Thus, a PAGA claim based on statewide allegations of Labor Code violations does not merely represent the "parochial claim" of "one local individual." (*Id.* at pp.1157, 1159.) Nor is this simply an issue of the trial court's discretion as Marshalls posits, but an issue of public interest in enforcing the Labor Code in a time of budget constraints. The opinion below ignores the representative nature of PAGA actions, the fact that the state is the real party in interest, and the statute's clear public purpose, as PAGA actions seek to deter and punish Labor Code violations rather than compensate individuals. (*Brown v. Ralphs Grocery Co.* (2011) 197 Cal.App.4th 489, 501 ("The purpose of the PAGA is not to recover damages or restitution, but to create a means of 'deputizing' citizens as private attorneys general to enforce the Labor Code.") Had the Legislature wished to limit discovery for PAGA plaintiffs or engraft new hurdles to obtaining basic discovery beyond the applicable relevancy standard of the Discovery Act, the Legislature would have done so.

As the opinion below stands, Williams represents these aggrieved employees throughout California, yet cannot contact them outside of the store location for which he worked. This is despite the collateral estoppel

effect that his PAGA action will have on *all* of these aggrieved employees statewide. (See *Iskanian*, 59 Cal.4th at p.381.) Marshalls fails to address any such issues, nor does the opinion below consider them. Instead, the opinion ignores *Iskanian* and *Arias*, denies relevant and necessary discovery for pursuing PAGA claims alleging statewide Labor Code violations, and thus fails to allow a PAGA plaintiff a chance to satisfy his substantive role as agent of the State by denying him access to the very discovery tools necessary to fulfill such a role. If the scope and purpose of PAGA are to be accomplished through PAGA plaintiffs who bring such representative actions, then this Court must review a decision that stymies both and halts achievements of the statute's goals to effectively deter Labor Code violations throughout California.

II. NOTHING ABOUT THE POSTURE OR FACTS OF THIS CASE COUNSEL AGAINST A GRANT OF REVIEW TO RESOLVE THE CONFLICTS CREATED BY THE DECISION BELOW

A. The Overly Burdensome New Standard Set By The Court Of Appeal For Obtaining Discovery Of Routine Contact Information Is Ripe For Review And Has Far Reaching Implications

Marshalls makes ripeness arguments throughout its brief, contending that the Court of Appeal's decision merely delays discovery and argues that "[t]he trial court did not close the door on additional discovery of employee names; in fact, the trial court left that door wide open for Petitioner." (Answer, p.12.) Yet the Court of Appeal merely left the door open for Williams to prove the merits of his claim first, including that he sit down for a deposition to "establish he was himself subjected to violations of the Labor Code," "evince any knowledge of the practices of Marshalls at other stores," and "establish Marshall's employment practices are uniform throughout the company" –*before* receiving the most rudimentary contact information necessary to begin investigation of this claim. (*Williams*, 236

Cal.App.4th at pp.1157, 1159.) With circular reasoning that Williams must meet certain clear obstacles first, such as prove knowledge of practices at other stores prior to obtaining the contact information necessary to preliminarily investigate and demonstrate knowledge of practices at other stores, the Court of Appeal's discovery ruling presents an unworkable standard that does more than simply delay discovery when it is nearly impossible to meet such a standard. Accordingly, courts have repeatedly rejected such an impractical approach to discovery. (See *Alch v. Super. Court* (2008) 165 Cal.App.4th 1412, 1429 ["Real parties in interest's argument is, in effect, a claim that, because privacy interests are involved, the writers must prove that the data they seek will prove their case before they may have access to the data. But there is no support in law, or in logic, for this claim]; see also *W. Pico Furniture Co. of Los Angeles v. Super. Ct.* (1961) 56 Cal.2d 407, 419 fn. 4 ["[T]he fact that a triable issue has not yet been determined cannot bar the disclosure of information sought for the very purpose of trying that issue."].

In fact, the burden the Court of Appeal imposes on the party seeking basic contact information is unprecedented and far reaching. All that the Discovery Act requires is relevance, as the applicable provisions of the Code of Civil Procedure do not require that Williams sit down for a deposition first, show uniform practices, or show good cause, as discussed above and applied in *Pioneer* and its progeny. Yet the Court of Appeal's opinion represents such a stark departure from this authority and is so broadly worded that defendants are now using *Williams* to thwart discovery for *any* named plaintiffs, whether it is a PAGA action or class action. This is evidenced by the flood of amicus letters in support of review and depublication of *Williams*. In fact, defendants are now purposefully delaying taking a plaintiff's deposition in an attempt to stave off discovery of contact information, although prior to *Williams* this information would

have been produced. (See Amicus Curiae Letter by Boucher LLP (July 16, 2015), pp.1-2); see also Amicus Curiae Letter by Goldstein, Borgen, Dardarian & Ho (July 2, 2015), p.1 ["Defendants are using *Williams* beyond PAGA cases to argue that plaintiffs must prove a portion of the merits of their case before they can obtain class-wide discovery."].) Citing *Williams*, defendants are refusing to provide class lists in an unfair attempt to control the litigation from the outset given *Williams*' broad language. (See Amicus Curiae Letter by Traber & Voorhees (July 8, 2015), p.5 ["[J]ust last week, a reputable defense firm cited the *Williams* case in refusing to provide us with the class list in a putative wage-and-hour class action lawsuit that involves a single warehouse facility (and is not a statewide class action), and alleges a PAGA claim in addition to several other Labor Code claims. The defense firm insists that, under *Williams*, all eight of our named plaintiffs must first sit for deposition and establish liability against the employer before being given access to the class list."].)

Contrary to Marshalls' contention that Williams is distorting the obstacles imposed by the Court of Appeal in an attempt to create a reviewable issue (Answer, p.8), defendants in practice are already using that same language to impose the same obstacles on plaintiffs seeking basic discovery. As these obstacles placed on representative plaintiffs seeking contact information are in direct conflict with clear established authority, review is necessary for uniformity of decision.

B. There Are No Unique Facts About This Case That Would Counsel Against Review

Rather than address the clear line of appellate court cases that find the contact information Williams seeks to be relevant and discoverable, Marshalls instead attempts to manufacture some argument that there are unique facts here in order to avoid review. (Answer, pp.12-13.) Yet there is simply nothing unique in discovery about a plaintiff seeking responses to

basic interrogatories requesting the contact information of percipient witnesses who pursues such information prior to sitting down for a deposition or proving the merits of his claims. As *Puerto* reinforces, "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." (*Puerto*, 158 Cal.App.4th at pp.1249-1250 [emphasis added].) There is simply nothing exceptional about this being a matter of basic civil discovery and information that is usually sought at the nascent stage of a case.

Thus, far from being a unique set of facts, requesting contact information via interrogatories at the outset of a case is commonplace and done prior to proving any merits of the claims or having depositions taken. (See, e.g., *Puerto*, 158 Cal.App.4th at pp.1245-1247, 1254 [petitioners alleging wage-and-hour violations seeking to discover by interrogatory the names and contact information of non-party employee witnesses subsequently file a motion to compel, with the court allowing the discovery and no discussion of any depositions ever being taken first or merits decisions made]; *Crab Addison*, 169 Cal.App.4th at pp.961, 975 [wage-and-hour plaintiffs filed a motion to compel further responses to special interrogatories requesting the names and contact information for all salaried employees in California, with the court finding such information discoverable without any reference to depositions or proving the violations alleged first].) In fact, the court in *Puerto* rejected an argument raised by the defendant that such information could not be disclosed unless the petitioners demonstrated a compelling need and the information could not be obtained through depositions first. (*Puerto*, 158 Cal.App.4th at p.1251.) Instead, no depositions were required prior to allowing the discovery requested in *Puerto*.

Thus, the only thing unique about this case is the Court of Appeal's

opinion that disregards the *Puerto* line of cases and imposes a new unworkable standard at tension with *Puerto* and the intermediate appellate opinions that follow, which find the information Williams seeks routinely discoverable without a merits hurdle or good cause showing. Based on this conflict, this case merits review to resolve the tension created by the new standards on simple discovery imposed by the Court of Appeal solely on PAGA plaintiffs.

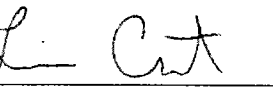
CONCLUSION

For the foregoing reasons, Williams respectfully requests that this Court grant plenary review of the Court of Appeal's decision.

Dated: July 27, 2015

Respectfully submitted,

Capstone Law APC

By: 

Glenn A. Danas
Robert Drexler
Liana Carter
Stan Karas

Attorneys for Petitioner
MICHAEL WILLIAMS

CERTIFICATE OF WORD COUNT

Counsel of record hereby certifies that, pursuant to the California Rules of Court, Rule 8.504(d)(1) and 8.490, the enclosed Reply In Support of Petition for Review was produced using 13-point Times New Roman type style and contains 4,110 words. In arriving at that number, counsel has used Microsoft Word's "Word Count" function.

Dated: July 27, 2015

Respectfully submitted,

Capstone Law APC

By: _____

Glenn A. Danas
Robert Drexler
Liana Carter
Stan Karas

Attorneys for Petitioner
MICHAEL WILLIAMS

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1840 Century Park East, Suite 450, Los Angeles, California 90067.

On July 27, 2015, I served the document described as: **REPLY IN SUPPORT OF PETITION FOR REVIEW** on the interested parties in this action by sending on the interested parties in this action by sending [ ] the original [or] [✓] a true copy thereof to interested parties as follows [or] as stated on the attached service list:

See attached service list.

[☒] **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

[☐] **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

[☐] **BY FAX:** I hereby certify that this document was served from Los Angeles, California, by facsimile delivery on the parties listed herein at their most recent fax number of record in this action.

[☐] **BY PERSONAL SERVICE:** I personally delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

[☒] **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this July 27, 2015, at Los Angeles, California.

Natalie Torbati	/s/ Natalie Torbati
Type or Print Name	Signature

SERVICE LIST

The Honorable William F. Highberger Superior Court of the State of California Los Angeles, Central Civil West Department 322 600 S. Commonwealth Avenue Los Angeles, California 90005	**Trial Court: Respondent**
via U.S. Mail	
Frederick Bennett Superior Court of Los Angeles County 111 North Hill Street, Room 546 Los Angeles, CA 90012	**Superior Court Los Angeles County: Respondent**
via U.S. Mail	
Presiding Justice Frances Rothschild Associate Justice Victoria Gerrard Chaney Associate Justice Jeffrey W. Johnson 2nd District Court of Appeal, Div. 1 300 S. Spring Street 2nd Floor, North Tower Los Angeles, CA 90013	**Appellate District**
via U.S. Mail	
Robert G. Hulteng Joshua J. Cliffe Emily E. O'Conner Scott D. Helsinger Littler Mendelson 650 California Street, 20th Floor San Francisco, CA 94108	**Marshalls of CA, LLC: Real Party in Interest**
via U.S. Mail	
Julie A. Dunne Amy Todd-Gher Kyle W. Nageotte Littler Mendelson, P.C. 501 W. Broadway, Suite 900 San Diego, California 92101	**Marshalls of CA, LLC: Real Party in Interest**
via U.S. Mail	

Brian F. Van Vleck
Daniel J. Turner
Van Vleck Turner & Zaller LLP
6310 San Vicente Blvd., Ste 430
Los Angeles, CA 90048

via U.S. Mail

Counsel for Plaintiffs Albert Ebo in Ebo v. The TJX Companies, Inc., et al.