

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSEPH STRAUCH and TIMOTHY COLBY, on
behalf of themselves and all those similarly situated,
Plaintiffs,

Civil No. 3:14cv956 (JBA)

v.

COMPUTER SCIENCES CORPORATION,
Defendant.

Ruling Overruling Defendant's Objection to Ruling on Number of Depositions [Doc. #171]

Defendant has timely objected to the ruling of Magistrate Judge Joan G. Margolis setting out a sliding scale approach for delimiting the number of depositions for a representative sample of opt-in Plaintiffs. Defendant contends generally that the designated cap of 60 depositions for second and third-tier Plaintiffs in the three tier approach agreed to by the parties unfairly impairs its ability to defend with individualized discovery on issues including actual job characteristics and duties where there are potentially 4000 class members. The sampling size was then unknown, but as of November 24, 2015 there are 1047 opt-in plaintiffs.

After review of the Magistrate Judge's Ruling [Doc. # 171] and the parties' respective briefing on this objection, it is abundantly clear that Magistrate Judge Margolis's ruling is neither clearly erroneous nor contrary to law. 28 U.S.C. § 636 (b)(1)(A). Not only is the limitation reasonable and appropriately reflective of the proportionality requirement for discovery, but it affords Defendant the opportunity to depose any Plaintiff submitting a declaration or identified as a witness, as well as a sampling other opt-in Plaintiffs, two-thirds of whom Defendant may

select. In addition, Defendant may depose all named Plaintiffs whose number does not count against this limitation.

Notwithstanding Defendant's position, which is rejected, that Plaintiffs should have no selection role, they will select only one-third of the deponents, and if Defendant identifies declarants, affiants or trial witnesses who were not deposed as part of the court-ordered limitation, such individuals may be deposed even if above the numerical cap for deposition which has been set.

Given the rationale for the initial limitation and the above provision for add-on depositions, the Court overrules Defendant's Objection [Doc. # 173] and approves and adopts the Ruling on Number of Depositions [Doc. # 171] limiting the number of depositions to 60, under the time limit imposed in Scheduling Order [Doc. # 256].

IT IS SO ORDERED.

_____/s/_____
Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut: January 8, 2016