

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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IN RE : Master Dkt. No. 3:13md2478 (AWT)
CONVERGENT OUTSOURCING, INC. : MDL No. 2478
TELEPHONE CONSUMER :
PROTECTION ACT LITIGATION : Pretrial Order No. 9
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THIS DOCUMENT RELATES TO: :
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CINDY VAZQUEZ, : Civ. No.: 3:13cv01866(AWT)
:
Plaintiff, :
v. :
CONVERGENT OUTSOURCING, INC., :
:
Defendant. :
:
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**ORDER RE DISCOVERY DISPUTE**

The parties have filed a Joint Status Report on Discovery Dispute (Doc. No. 98). The plaintiff seeks to require the defendant to produce an unredacted document that was produced in redacted form. It is expected that the same issue will arise again in this Multidistrict Litigation. The parties submitted a redacted copy of the document to the court, and the defendant submitted an unredacted version of the document to the court for in camera review.

"Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense . . . .

Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1). "The party seeking discovery bears the burden of initially showing relevance." Mandell v. The Maxon Company, Inc., No. 06 Civ. 460(RWS), 2007 WL 3022552, at \*1 (S.D.N.Y. Oct. 16, 2007) (quoting Zanowic v. Reno, No. 97Civ.5292(JGK)(HBP), 2000 WL 1376251, at \*6 (S.D.N.Y. Sept. 25, 2000))(brackets omitted). "A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending . . . . The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden . . . ." Fed. R. Civ. P. 26(c)(1). "The burden is on the party resisting discovery to explain its objections and to provide support therefor[]." Shannon v. New York City Transit Auth., No. 00 CIV. 5079(RWS), 2001 WL 286727, at \*1 (S.D.N.Y. Mar. 22, 2001).

It is undisputed that the document at issue contains relevant information. This means that the document itself is relevant. See Orion Power Midwest, L.P, v. Am. Coal Sales Co., No., 2:05-CV-555 2008 WL 4462301, at \*2 (W.D. Pa. Sept. 30, 2008) ("Rule 34 talks about production of 'documents' as opposed to the relevant information contained in those documents").

Thus, the plaintiff has met her burden with respect to demonstrating relevance.

During the January 16, 2015 telephonic hearing on this issue, the defendant argued that the redactions are necessary because of privacy concerns, specifically, the redacted information is confidential personally identifiable information about a non-party debtor, which the defendant is obligated not to disclose.

The court concluded that it is permissible for the defendant to disclose such information to the plaintiff pursuant to a court order, and that the information will continue to be treated as confidential because it will be subject to the Standing Protective Order (Doc. No. 22). Also, the plaintiff agreed to redaction of dollar amounts and social security numbers. Therefore, the court ordered that the document be treated as "Confidential" (as opposed to "Confidential-Attorneys' Eyes Only") under the Standing Protective Order.

It is so ordered.

Dated this 20th day of January 2015, at Hartford, Connecticut.

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/s/  
Alvin W. Thompson  
United States District Judge