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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Susana Patricia Stock, an individual;

Plaintiff,

vs.

**Board of Trustees of the State
University**, a State agency; **Stephen
Perez**, an individual; and **Does 1-10**,
inclusive;

Defendants.

CASE NO. 2:24-cv-01043-DJC-DMC

Assigned to Hon. Daniel J. Calabretta

Magistrate: Hon. Dennis M. Cota

[DISCOVERY MATTER]

**JOINT STATEMENT REGARDING
DISCOVERY DISAGREEMENT**

Date: August 5, 2026

Time: 10:00 a.m.

Place: Redding Federal Courthouse
2986 Bechelli Lane
Redding, CA 96002

Complaint Filed: April 8, 2024
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TABLE OF CONTENTS

I.	COMPLIANCE WITH LR 251	1
II.	FACTUAL ALLEGATIONS	1
A.	Plaintiff’s Further Statement of Facts	1
1.	Dr. Stock’s Employment and Bias in the Farm Director Hiring Process	1
2.	CSU Employees Engaged in a Concerted Effort to Oust Dr. Stock.....	2
3.	Dr. Stock’s Appeal Complains of Discrimination	3
4.	CSU’s Failure to Investigate Dr. Stock’s Complaints Is Part of a Systemwide Failure 4	
B.	Defendant’s Further Statement of Facts.....	7
1.	General Background	7
2.	Instant Discovery Requests.....	12
III.	DISCOVERY AT ISSUE.....	16
IV.	Request for Production No. 95 (Investigative Files Reviewed By Cozen)	21
A.	Plaintiff’s Position	21
1.	Discovery of Investigation Files Reviewed by Cozen Is Appropriate (RFP 95) 21	
2.	Privacy Concerns Are Addressed by a Protective Order.....	23
3.	The Information Sought Is Proportional to the Needs of the Case	23
B.	Defendant’s Position	25
V.	Requests 100-102 (Complaints of Discrimination at Chico State).....	31
A.	Plaintiff’s Position	31
1.	Discovery of All Complaints at Chico State Is Warranted by the Failures of Administrators at the Highest Levels.....	31

1	2.	Private Information Is Safeguarded by the Protective Order and the Information	
2		Sought Is Proportional to the Needs of the Case	33
3	B.	Defendant's Position	33
4	VI.	Request for Production 103 (Chancellor Communications)	39
5	A.	Plaintiff's Position	39
6	B.	Defendant's Position	40
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

TABLE OF AUTHORITIES**Cases**

<i>Anigbogu v. Mayorkas</i> , No. 21-CV-07419-TSH (N.D. Cal. Nov. 22, 2023)	24
<i>Babbitt v. Albertson's</i> , 1992 WL 605652 (N.D. Cal. 1992)	25
<i>Conway v. Electro Switch Corp.</i> , 825 F.2d 593 (1st Cir. 1987)	32
<i>Diaz v. American Tel. & Tel.</i> , 752 F.2d 1356 (9th Cir. 1985)	23, 28, 33, 35
<i>E.E.O.C. v. California Psychiatric Transitions</i> , 258 F.R.D. 391 (E.D. Cal. 2009)	23, 33
<i>Ercegovich v. Goodyear Tire & Rubber Co.</i> , 154 F.3d 344 (6th Cir. 1998)	32
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<i>Heyne v. Caruso</i> , 69 F.3d 1475 (9th Cir. 1995)	22, 27, 33, 35
<i>In re Roman Catholic Archbishop of Portland in Oregon</i> , 661 F.3d 417 (9th Cir. 2011) ..	30,
38	
<i>Jackson v. Montgomery Ward Co., Inc.</i> , 173 F.R.D. 524 (D. Nev. 1997)	22, 33
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21, 2024)	40
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<i>McDonnell Douglas Corp. v. Green</i> , 411 U.S. 792 (1973)	22
<i>McGinest v. GTE Service Corp.</i> , 360 F.3d 1103 (9th Cir. 2004)	22, 28, 35
<i>NuVasive, Inc. v. Alphatec Holdings, Inc.</i> , No. 18-CV-0347-CAB-MDD, 2019 WL 4934477	
(S.D. Cal. Oct. 7, 2019)	40
<i>Patterson v. The Boeing Co.</i> , 2018 WL 5937911 (C.D. Cal. Apr. 4, 2018)	22, 33
<i>Sanchez v. City of Santa Ana</i> , 936 F.2d 1027 (9th Cir. 1990)	30, 38
<i>Sonenberg v. RBC Cap. Markets, LLC</i> , No. 25CV1642-JAH (JAC), 2026 WL 1603798 (S.D.	
Cal. June 4, 2026)	40
<i>Specht v. Nw. Helicopters LLC</i> , No. 3:21-cv-05730-JHC (W.D. Wash. Nov. 16, 2022)	24
<i>Sprint/United Mgmt. Co. v. Mendelsohn</i> , 552 U.S. 379 (2008)	passim

1	<i>Staton v. City of Butte-Silver Bow</i> , No. CV-20-60-BU-BMM (D. Mont. Nov. 29, 2023)	24
2	<i>Tijerina v. Alaska Airlines, Inc.</i> , No. 22-cv-00203-JLS-BGS (S.D. Cal. Nov. 7, 2022)	24
3	<i>Zetwick v. Cnty. of Yolo</i> , 850 F.3d 436 (9th Cir. 2017)	23

Rules

5	E.D. Cal. L.R. 251	6
6	Fed. R. Civ. P. 26	passim
7	Fed. R. Civ. P. 30(b)(6)	47
8	Fed. R. Civ. P. 34	45, 46, 47
9	Fed. R. Civ. P. 37	6, 46
10	Fed. R. Civ. P. 45	6

King & Siegel LLP

Pursuant to Federal Rules of Civil Procedure Rules 26 through 37 and 45, Local Rule 251, and the Court's Civil Standing Order, Plaintiff Susana Patrica Stock and Defendants Board of Trustees of the California State University and Stephen Perez (collectively "The Parties") submit the following Joint Statement Regarding Discovery Disagreement for determination by the Honorable Daniel J. Calabretta.

I. COMPLIANCE WITH LR 251

On February 23, 2026, Plaintiff served Defendant CSU with five Requests for Production at issue in this Joint Statement, to which Defendant responded on April 6, 2026. Declaration of Andrea Obando ("Obando Decl."), ¶¶ 2-3, Exs. 1-2. The Parties met and conferred extensively via email, and conferred telephonically on June 24, 2026. *Id.* ¶ 4, Ex. 3. The Parties were unable to reach a resolution.

II. FACTUAL ALLEGATIONS

Plaintiff Susana Patricia Stock ("Dr. Stock" or "Plaintiff") alleges that her former employer, the Board of Trustees of the State University ("Board of Trustees" or "Defendant"), discriminated against her based on her race and gender when it removed her from her position as Dean of the College of Agriculture at Chico State University ("Chico State").

A. Plaintiff's Further Statement of Facts

1. Dr. Stock's Employment and Bias in the Farm Director Hiring Process

Dr. Stock's removal followed a contentious, and racially-charged hiring process for the Farm Director of Chico State's University Farm. Dr. Stock is a 61-year-old Latina who worked for California State University, Chico from 2021 until she was removed as Dean of the College of Agriculture on June 14, 2023. ECF 9, ¶¶ 5, 53. Dr. Stock is an accomplished agricultural scientist and educator who has devoted her career to research, teaching, and advancing diversity in agricultural science.

In August 2022, one of Dr. Stock's key responsibilities was hiring a new Director for the University Farm after Dr. David Daley retired. *Id.* ¶ 31. During that search process,

1 however, Dr. Stock encountered opposition from individuals who refused to hire an
 2 exceptionally well-qualified Latino man from outside Butte County, Dr. Ricardo Orellana. *Id.*
 3 ¶ 32. The opposition culminated in a May 9, 2023 meeting, during which members of the
 4 community expressed outrage at Dr. Orellana's hire, even going so far as to claim that
 5 **"Latinos should not be involved or be part of the [Future Farmers of America]."**
 6 Obando Decl. ¶ 5, Ex. 4.

7 2. CSU Employees Engaged in a Concerted Effort to Oust Dr. Stock

8 Text messages among Chico State personnel confirm that race, ethnicity, and
 9 diversity were explicitly discussed and disparaged during the Farm Director search.
 10 Employees referred to Dr. Orellana as a "[f]uckin foreigner" and suggested "the Dean is
 11 probably all about that." Obando Decl. ¶ 6, Ex. 5. Employees called Dr. Stock "crazy," a
 12 "bitch," and "Potty Patty"; mocked Dr. Stock's emails and writing; and suggested Dr. Stock
 13 could empty trash cans and mop floors after she was removed as Dean of the College of
 14 Agriculture. *See, e.g., id.* ¶¶ 7-8, Exs. 6-7.

15 CSU employees engaged in a coordinate effort to oust Dr. Stock, which they referred
 16 to as a "revolution." Dave Daley repeatedly shared with numerous people that he believed
 17 Dr. Stock would **"play the race card,"** (*id.* ¶ 9, Ex. 8), i.e., that she would say "the old, white
 18 farmers [were] cleaning up on the Latina woman," calling his prediction "so irritating." *Id.* ¶
 19 10, Ex. 9. In deposition, Daley admitted that this prediction was "going around" the
 20 agricultural community. *Id.* ¶ 11, Ex. 10 at 144:3-146:15.

21 That campaign included soliciting donors to withdraw donations and apply pressure
 22 through the Office of Advancement and its personnel, including Ahmad Boura and Dustin
 23 Bush. *See generally* ECF 29 (Motion to Enforce Subpoena); ECF 32 (Motion for Issuance
 24 of a Foreign Subpoena).

25 The coordinated campaign worked. On June 2, 2023, Mr. Perez made the decision
 26 to deny Dr. Stock her bonus. At the time, he wrote to Mr. Boura that he was "inclined to
 27 recommend 0% for a merit bonus. **The difficulty will be that there is evidence that she**
 28

1 ***did (in some way) much of what she was asked.*** Obando Decl. ¶ 12, Ex. 11 at Perez
 2 261. Daley and other CSU employees provided that evidence in the form of an anonymous
 3 climate survey and donor pressure. See *id.* ¶ 13, Ex. 12. On June 14, 2023, Perez removed
 4 Dr. Stock as Dean of the College of Agriculture. ECF 9, ¶¶ 8-10.

5 **3. Dr. Stock's Appeal Complains of Discrimination**

6 Following her removal, Dr. Stock submitted a Stage 1 Request for Reconsideration
 7 on or about July 5, 2023 to Sheryl Woodward, Associate Vice President for Staff Human
 8 Resources, which included sixteen letters of support. See ECF 9 at 38-132. The request
 9 was denied on or about July 13, 2023 by then-Interim Provost Terence Lau, who determined
 10 that "there is insufficient information to find that Interim Provost Perez acted impermissibly,
 11 or for impermissible reasons." See Obando Decl. ¶ 14, Ex. 13.

12 On July 28, 2023, Dr. Stock submitted a Stage 2 appeal, addressed to Woodward,
 13 explicitly stating that "there is clearly sufficient information to establish unlawful termination
 14 based upon retaliation, whistleblower, harassment, discrimination, and tortious interference
 15 criteria, singly or in combination." See ECF 9 at 133. The Stage 2 appeal detailed harassing
 16 statements at the May 2023 Farm Bureau meeting (*id.* at 135-136), discriminatory
 17 opposition to Dr. Orellana's hiring based on his race and national origin (*id.* at 136), and a
 18 coordinated campaign by Farm Bureau members with racial animus (*id.*).

19 Dr. Stock's appeal was routed to the Chancellor's Office and Vice Chancellor for
 20 Human Resources Leora Freedman. Freedman considered the appeal, and on August 9,
 21 2023 sent Dr. Stock a letter denying it. See Obando Decl. ¶ 15, Ex. 14. Freedman's denial
 22 letter acknowledged that Dr. Stock alleged her termination was unlawful on grounds of
 23 "retaliation, whistleblower, harassment, discrimination, and tortious interference criteria,
 24 singly or in combination," but stated that "such allegations are outside the reconsideration
 25 process" and directed her to other university policies.

26 CSU's Nondiscrimination Policy provides that "any Employee who knows or has
 27 reason to know of incidents that may violate [the] policy has a duty to promptly report to the
 28

1 Title IX Coordinator/Discrimination, Harassment, Retaliation (“DHR”) Administrator . . . all
 2 information available, including the names of the Parties involved[.]” See Obando Decl. ¶
 3 16, Ex. 15. Both Freedman and Woodward were mandatory reporters under CSU’s policy,
 4 yet neither of them referred Dr. Stock’s complaints of discrimination for investigation.

5 Woodward, CSU’s 30(b)(6) witness on the reconsideration process, admitted she did
 6 not do anything more than glance at Dr. Stock’s request for reconsideration, and instead
 7 simply forwarded it to the Provost’s office. See Obando Decl. ¶ 17, Ex. 16 at 61:17-62:1.
 8 Woodward admitted that Dr. Stock’s appeals contained complaints of discrimination, that
 9 Dr. Stock’s complaints should have been referred for investigation by herself and the
 10 Chancellor’s office, and that despite this, she did not refer Dr. Stock’s complaints for
 11 investigation. *Id.* at 79:8-81:13. Woodward further admitted that the Provost’s office should
 12 have also referred it for investigation, and that Dr. Stock’s complaints to Steve Perez in May
 13 2023 about racist remarks at the Farm Bureau meeting should have also been referred for
 14 investigation. *Id.* at 83:19-84:20.

15 Freedman, too, testified that she “did not refer [Dr. Stock’s appeals] for investigation”
 16 because she believed that Dr. Stock’s statements about racist sentiments at the Farm
 17 Bureau meeting and her suggestions that the removal was because a “Hispanic dean . . .
 18 hired a Hispanic director” were merely hypotheticals and not complaints of discrimination.
 19 See Obando Decl. ¶ 18, Ex. 17 at 51:12-58:17.

20 And Dylan Saake, the Assistant Vice President of Equal Opportunity and Dispute
 21 Resolution and the Discrimination, Harassment, and Retaliation Administrator for Chico
 22 State, admitted that he knew Dr. Stock had concerns about discrimination even before her
 23 appeals. See *id.* ¶ 19, Ex. 18 at 77:3-78:1. Saake, too, did nothing with her complaints.
 24 Instead, despite Dr. Stock’s clear references to discrimination in her appeals, Saake claimed
 25 that the onus was on Dr. Stock to initiate an investigation. *Id.* at 106:19-107:5.

26 **4. CSU’s Failure to Investigate Dr. Stock’s Complaints Is Part of a** 27 **Systemwide Failure**

28 The failure to investigate Dr. Stock’s complaints did not occur in isolation. In March

2022, the Board of Trustees of the California State University, through the Office of the Chancellor, engaged Cozen O'Connor to conduct a systemwide assessment of the CSU's implementation of its programs to prevent and address discrimination, harassment, and retaliation based on protected statuses, including sex and gender. See Obando Decl. ¶ 20, Ex. 19 at DEF 48425. Cozen also provided a report specific to Chico State, which it issued on July 17, 2023—the same month Dr. Stock was filing her Stage 2 appeal. See Obando Decl. ¶ 21, Ex. 20.

Among the systemwide findings, Cozen O'Connor identified trust gaps across students, staff, and faculty. *Id.* ¶ 20, Ex. 19 at DEF 48607. It also identified core accountability failures, including a relatively small percentage of cases formally investigated, underreporting, and a need for “increased structures for accountability.” *Id.* at DEF 48609. Cozen specifically called out that “while respecting individual agency and autonomy is crucial, the burden should not solely rest on the complainant to seek accountability.” *Id.* ¶ 22, Ex. 21 at 48413.

Defendant attempts, throughout its opposition to Plaintiff’s requests for discovery, to minimize the role of the systemwide report, but Defendant ignores that Plaintiff complained of discrimination to individuals at the *systemwide* level, including the very Chancellor’s office that commissioned the Cozen report. Defendant also attempts to distinguish Plaintiff’s case because she did not make a formal complaint to DHR, but that is precisely why this discovery is relevant: Plaintiff did not make a formal complaint to DHR, but instead complained to several individuals who had a responsibility to report her concerns, yet they did not. This includes Saake, the DHR administrator at Chico State, who understood she had concerns of discrimination yet still did nothing with them.

Moreover, other individuals, including Denise Crosswhite,¹ complained on Plaintiff’s

¹ Crosswhite further testified that she, or someone in her office, submitted a report to the Title IX office on behalf of students, who had come to her with concerns about comments the students believed were racist and that had been made by members of Superior Ag—the very same group that participated at the May 9 meeting. See Obando Decl. ¶ 23, Ex. 22

1 behalf directly to President Steve Perez, telling Perez that the attack on Plaintiff “felt
2 targeted because of her race and her gender.” See Obando Decl., ¶ 23, Ex. 22 at 65:15-
3 66:19. Crosswhite also informed Perez that students felt like Plaintiff’s removal was racist
4 and sexist. *Id.* at 90:20-91:1. Despite this, CSU still did nothing to investigate whether
5 discrimination influenced Plaintiff’s removal.²

6 What happened to Plaintiff is directly in line with Cozen’s review of Chico State, which
7 noted that only a small percentage of reports made at Chico State move forward to
8 investigation. Moreover, where a complainant did not seek formal resolution (as Defendant
9 now attempts to characterize Plaintiff’s actions), EODR “reaches out to other university
10 partners . . . to evaluate whether . . . there are risk factors to the broader campus community
11 . . . such as pattern evidence[.]” *Id.* at 48671. Yet, here again, Chico State failed to do so,
12 even when its own DHR administrator, Saake, was aware of her concerns regarding
13 discrimination.

14 Moreover, Cozen’s recommendations for Chico State specifically included
15 coordinating with the systemwide Title IX/Civil Rights Division to “identify any concerns
16 related to timeliness, conflicts, gaps in communication, or gaps in consistent process.” *Id.*
17 at 48695. Cozen further recommended that Chico State “[d]evelop robust intake, outreach,
18 and case management protocols,” including the creation of a “feedback loop to
19 acknowledge responsible employee reports and confirm receipt of the report and next
20 steps.” *Id.* at 48695-96. These recommendations—and the investigative files they relied
21 on—are directly relevant to the failures in Plaintiff’s case, which occurred at both the
22 systemwide- and Chico State-level. While Defendant attempts to minimize their importance
23 by claiming Cozen’s review of those files was favorable, that does not diminish their
24 relevance. Plaintiff cannot know what procedures Chico State followed in the underlying

25 _____
26 at 45:19-49:24. Again, Chico State does not appear to have taken any action in response
27 to that complaint.

28 ² Nor does it appear that CSU investigated when, shortly after her removal, graffiti of
the word “bitch” was discovered behind the nameplate on Plaintiff’s former office. See
Obando Decl. ¶ 24, Ex. 23.

1 reports without reviewing the same information Cozen reviewed. If, for example, the
 2 underlying investigative files concerned circumstances similar to hers, that would be
 3 highlight probative of Plaintiff's case, where at least *four* responsible employees (Perez,
 4 Woodward, Freedman, and Saake) were on notice of potential discrimination in her removal,
 5 yet they all failed to take any action at all to correct the discrimination. What Chico State did
 6 in reports Cozen considered "favorable" is still relevant comparative evidence of all that it
 7 failed to do with respect to Plaintiff.

8 **B. Defendant's Further Statement of Facts**

9 **1. General Background**

10 Plaintiff's factual background attempts to litigate the entire case, while the discovery
 11 dispute before the Court is much narrower. Plaintiff recites allegations about the Farm
 12 Director search, donor communications, internal text messages, and her removal as Dean,
 13 then uses that narrative to seek unrelated confidential Title IX and DHR files and broad
 14 Chancellor's Office communications involving other complainants, other respondents, other
 15 departments, other alleged misconduct, and other institutional actors. Those allegations do
 16 not supply the required nexus. Plaintiff's lengthy merits narrative obscures the Rule 26
 17 inquiry: whether the requested discovery bears a meaningful relationship to the claims and
 18 defenses in this case and is proportional to the needs of the case.

19 This discovery dispute concerns Plaintiff's attempt to use a narrow employment case
 20 as a vehicle for campuswide discovery into confidential Title IX and DHR files and system-
 21 level communications. The requested discovery is not tied to Plaintiff, the College of
 22 Agriculture, the University Farm, the Farm Director search, Plaintiff's removal as Dean,
 23 Plaintiff's merit bonus, or any alleged decisionmaker or influencer in this case.

24 Plaintiff's claims arise from a narrow and unique set of circumstances. Plaintiff was
 25 the Dean of the College of Agriculture between 2021-2023. The College includes the
 26 University Farm, an approximately 800-acre hands-on instructional and operational farm
 27 that serves students, faculty, staff, alumni, donors, and local agricultural stakeholders. The
 28 Farm Director position was not an ordinary academic appointment. It was a prominent

1 operational role tied to farm operations, student learning, industry relationships, donor
2 relationships, and the College's external credibility.

3 Plaintiff attempts to frame the Farm Director search as the event that led to her
4 removal. That is incorrect. The search drew attention from Farm staff, College faculty,
5 alumni, donors, and agricultural stakeholders because the Farm Director role is operational,
6 public facing, and closely tied to the University Farm's relationship with students and the
7 regional agricultural community. However, then-interim Provost Steve Perez did not oppose
8 Plaintiff's selection of Dr. Ricardo Orellana. To the contrary, Perez told Plaintiff she could
9 select the candidate she believed was best and that he would support her decision.
10 Declaration of David R. Norton ("Norton Decl."), ¶ 2, Ex. A, Perez Depo 69:15-70:7.

11 Plaintiff selected Dr. Orellana, a Hispanic male external candidate, over Dr. Kasey
12 DeAtley, a Caucasian female internal candidate. There is no dispute that the hiring of Dr.
13 Orellana caused significant distress among some employees and external stakeholders.
14 While Dr. Orellana was highly educated, he had never been to California, had not managed
15 a farm comparable in size to the University Farm, had no connection to the region, and did
16 not know the local agricultural community. Dr. DeAtley, by contrast, was a Chico State alum,
17 a member of the College faculty, familiar with the University Farm, and well known in the
18 regional agricultural community. Many Farm staff, College faculty, donors, alumni, and
19 agricultural stakeholders preferred Dr. DeAtley because they believed she better
20 understood the Farm's day-to-day operations and the skills students needed to work in
21 agriculture in Northern California. Their concerns also reflected a broader disagreement
22 with what they perceived as Plaintiff's emphasis on research and academic prestige over
23 hands-on agricultural education.

24 Plaintiff contends that, during a May 9, 2023 Superior Ag Board meeting, a member
25 of the community made a racist comment about Latinos and the Future Farmers of America.
26 It is notable that the sole source of this allegation is Plaintiff herself, despite the fact that the
27 meeting was attended by dozens of people. Indeed, many of the people who were present
28

1 at that meeting have testified in this case. None have corroborated Plaintiff's allegation that
 2 racist statements were made at the meeting.

3 The employment decision at issue is then-interim-Provost Perez's June 14, 2023
 4 decision to remove Plaintiff from her Dean appointment. Perez removed Plaintiff as Dean
 5 based on his own assessment of her leadership, including concerns regarding
 6 communication, budget management, inability to implement required budget reductions,
 7 loss of support from Advancement and other campus and community partners, and a
 8 perceived mismatch between Plaintiff's vision for the College and Chico State's mission as
 9 a regional comprehensive university. Norton Decl., ¶ 2, Ex. A, Perez Dep. 57:7-20.

10 Plaintiff points to text messages among Farm employees and communications with
 11 donors to suggest a concerted effort to oust her as Dean. As a preliminary matter, it is worth
 12 pointing out that Plaintiff identifies low level Farm staff with no authority over the Dean
 13 position and no role in the decision whether Plaintiff would remain Dean. Indeed, there is
 14 no evidence to suggest any of those lower-level University Farm employees had any
 15 influence whatsoever into interim-Provost Perez's decision. Plaintiff has not shown that
 16 those employees had input into Perez's decision.

17 In any event, none of those allegations are relevant to the discovery requests at
 18 issue. Plaintiff's cat's paw theory requires a factual connection between the alleged bias,
 19 the alleged influencer, the decisionmaker, and the challenged employment action. It does
 20 not justify discovery into unrelated Title IX and DHR files involving different complainants,
 21 respondents, departments, decisionmakers, and alleged conduct.

22 Plaintiff now seeks discovery into confidential DHR and Title IX complaints filed by
 23 other people in an effort to prove broader institutional deficiencies in Chico State's handling
 24 of discrimination complaints. **However, Plaintiff never even filed a DHR complaint during**
 25 **her employment to complain of discrimination.** Norton Decl., ¶¶ 3-4, Exs. B-C. She is
 26 not similarly situated to employees or students who invoked the DHR process and whose
 27 complaints were investigated, not investigated, resolved, or otherwise processed through
 28

1 that system. The handling of unrelated third-party complaints has little bearing on whether
2 Chico State failed to prevent discrimination or retaliation against Plaintiff, or on whether the
3 employment decisions actually at issue were lawful, especially given that Plaintiff did not
4 participate in the DHR process herself.

5 The Cozen assessment is different in kind. Cozen was engaged by the CSU
6 Chancellor's Office to conduct a broad systemwide assessment of CSU's Title IX and DHR
7 programs. The assessment involved all 23 CSU universities and the Chancellor's Office
8 headquarters. It evaluated institutional infrastructure, policies, prevention and education,
9 training, resources, data management, reporting, case processing, investigation and
10 resolution practices, campus coordination, and systemwide oversight. It was not an
11 investigation of Plaintiff, the College of Agriculture, the University Farm, the Farm Director
12 search, Plaintiff's removal, Plaintiff's merit bonus, or any alleged discrimination or retaliation
13 against Plaintiff.

14 Plaintiff's reliance on the Cozen materials rests on a materially misleading premise.
15 In arguing relevance, Plaintiff does not quote campus-specific findings from the Chico State
16 Report. Instead, Plaintiff quotes from the separate Systemwide Report and attributes those
17 broad systemwide observations to Chico State. See Obando Decl. ¶¶ 20, 22, Exs. 19, 21
18 at DEF 048413, DEF 048607-048609. That distinction is critical. The Chico State Report
19 did not find that Chico State needed "increased structures of accountability," nor did it find
20 that Chico State improperly placed the burden on complainants to seek accountability.
21 Those are not Chico State-specific findings. The Chico State Report identified different
22 observations and recommendations regarding Chico State's EODR function, including
23 resourcing, internal process mapping, coordination with campus partners, and separation
24 of intake and investigative functions. See Obando Decl., ¶ 20, Ex. 21, Chico State Report,
25 DEF 048660-048661, DEF 048670-048671.

26 Indeed, although the Cozen report uses the broader Title IX and DHR label, the Chico
27 State report is not at all focused on race discrimination. Instead, it is principally an
28

1 institutional assessment of Title IX and DHR infrastructure, reporting, case processing,
2 prevention, training, resources, and campus coordination, with substantial emphasis on
3 sexual and gender-based harassment and violence, sexual misconduct, sexual assault,
4 dating and domestic violence, stalking, sexual exploitation, sexual harassment, supportive
5 measures, prevention programming, and other institutional process issues. Plaintiff's
6 lawsuit contains none of these claims.

7 By contrast, outside of demographic material in the appendix, the terms "race,"
8 "racial," "ethnic," "ethnicity," and "national origin" appear only in a general website statement
9 identifying categories protected by CSU's nondiscrimination policy. The Chico State Report
10 contains no substantive campus-specific findings regarding race discrimination, national
11 origin discrimination, the College of Agriculture, the University Farm, the Farm Director
12 search, Dr. Orellana, Plaintiff's removal, Plaintiff's merit bonus, Perez, Boura, Woodward,
13 or any alleged decisionmaker or influencer in this case. Plaintiff's argument depends on
14 blurring those distinctions. The Court should not allow Plaintiff to quote systemwide findings,
15 ignore the actual content of the Chico State Report, and then use that mischaracterization
16 to justify a campuswide fishing expedition into confidential third-party files.

17 Plaintiff's reliance on selected portions of the Chico State Report does not establish
18 the asserted connection to her claims. Plaintiff points to Cozen's observation that only a
19 small percentage of reports proceeded to formal investigation and characterizes that
20 statistic as evidence that Chico State failed to investigate discrimination complaints. The
21 Report makes no such finding and Plaintiff attributes a criticism to Cozen that Cozen did not
22 actually make. In fact, Cozen is not critical of Chico State because of this point at all. Instead,
23 the report simply explains that many matters involved requests for supportive measures,
24 informal resolution, or complainants who did not respond or did not wish to pursue formal
25 resolution. Formal investigation was only one of several possible outcomes following intake.
26 Cozen neither concludes that Chico State's investigation rate was deficient nor
27 recommends that Chico State increase the percentage of reports proceeding to formal
28

1 investigation. To the contrary, Cozen’s review of the completed investigation files found that
2 EODR’s investigations were thorough, clear, well-reasoned, and timely. (Chico State
3 Report, DEF 048672.) Plaintiff emphasizes the proportion of matters that proceeded to
4 formal investigation while omitting Cozen’s favorable assessment of the investigations it
5 actually reviewed.

6 Cozen’s separate recommendations concerning intake procedures, internal process
7 mapping, communication, coordination, and acknowledgment of responsible-employee
8 reports do not alter that conclusion. Those recommendations addressed broader
9 institutional processes, not defects in the investigation files Plaintiff seeks. Plaintiff therefore
10 cannot rely on generalized recommendations for process improvement to establish that the
11 underlying files are relevant when Cozen’s actual review of those files was favorable.

12 Plaintiff’s assertion that her experience was “directly in line” with Cozen’s review
13 similarly mischaracterizes the Chico State report. Again, Cozen did not find that Chico State
14 improperly failed to refer discrimination concerns to EODR or criticize the University
15 because only a small percentage of matters proceeded to formal investigation. The Report’s
16 observation concerned matters that had already been reported to EODR and the outcomes
17 that followed intake. Cozen explained that many reports resulted in supportive measures,
18 informal resolution, no further response from the complainant, or other noninvestigative
19 outcomes. It did not conclude that the proportion of formal investigations was deficient or
20 that Chico State was improperly screening out discrimination complaints.

21 Defendant opposes Plaintiff’s attempt to use that institutional assessment as a basis
22 to obtain unrelated confidential third-party investigation files and broad Chancellor’s Office
23 communications disconnected from the facts of this case.

24 **2. Instant Discovery Requests**

25 Plaintiff served the requests at issue on February 23, 2026. Defendant served
26 responses on April 6, 2026. The requests at issue are RFP No. 95, which seeks
27 investigation files reviewed by Cozen O’Connor as part of its evaluation of Chico State, RFP
28

Nos. 100-102, which seek all Title IX and DHR cases alleging race, gender, and national origin or accent discrimination or unequal treatment at Chico State, and RFP No. 103, which seeks all communications between the Chancellor's Office and any representative of Chico State regarding Title IX and DHR investigations or oversight.

For RFP No. 95, Defendant objected that the request was overbroad, unduly burdensome, not proportional to the needs of the case, and not reasonably tailored to seek information relevant to any claim or defense. Defendant also objected that the request sought private and confidential third-party information. Subject to those objections, Defendant narrowed the response to investigation files pertaining to the College of Agriculture and the University Farm. No responsive documents existed within that narrowed scope.

During meet and confer discussions, Defendant advised Plaintiff that Cozen reviewed only a small sample of Chico State case files and that Defendant had identified three Chico State investigation files reviewed by Cozen. Norton Decl., ¶ 5. None of those three files has a meaningful connection to this case. One involved a sexual harassment complaint by a custodian against another custodian in Facilities Management. The other two involved students. One was a student sexual assault complaint against another student, and the other was a student sexual misconduct complaint against a lecturer in another department. None involved Plaintiff, the College of Agriculture, the University Farm, the Farm Director search, Plaintiff's removal, Plaintiff's merit bonus, Perez, Woodward, Boura, or any witness or decisionmaker in this lawsuit. *Id.*

For RFP Nos. 100-102, Defendant objected that the requests were vague, ambiguous, overbroad as to time and scope, unduly burdensome, not proportional, and not reasonably tailored to seek information relevant to any claim or defense. Defendant also objected that the requests sought confidential third-party records and potentially privileged materials. Subject to those objections, Defendant initially narrowed the requests to complaints from 2020 to the present pertaining to the College of Agriculture and University

1 Farm. No responsive documents existed within that narrowed scope.

2 Plaintiff then sought to expand the scope to investigation files pertaining to
3 departments or units over which Perez, Boura, and Woodward had any decision-making
4 authority. Defendant explained that this proposal was not a meaningful limitation because
5 Perez, Boura, and Woodward held institutional roles, and defining the relevant universe by
6 every department or unit over which they had any authority would be tantamount to
7 requesting campuswide Title IX and DHR files. Norton Decl., ¶ 6, Ex. D.

8 As a compromise, Defendant offered to produce nonprivileged complaint and intake
9 documents from 2020 to the present for complaints involving Perez, Woodward, or Boura
10 to the extent those individuals were either the subjects of the complaints or personally
11 participated in the investigation as witnesses or decisionmakers. *Id.* On May 20, 2026,
12 Plaintiff agreed to that proposal, while reserving the right to revisit the issue if needed. *Id.*

13 On June 1, 2026, Defendant served second amended responses consistent with the
14 parties' agreed limitation. *Id.* at ¶ 7, Ex. E. For RFP No. 100, Defendant produced
15 confidential documents pursuant to the stipulated protective order. For RFP Nos. 101 and
16 102, after a diligent search and reasonable inquiry under the agreed limitation, Defendant
17 was unable to comply because no responsive documents existed. *Id.*

18 After the agreed limitation failed to produce the broader evidence Plaintiff apparently
19 hoped to find, Plaintiff abandoned that limitation and now seeks campuswide discovery
20 untethered to the facts, decisionmakers, and employment decisions actually at issue.
21 Defendant has already searched the relevant College of Agriculture and University Farm
22 universe and then agreed to a further compromise directed to complaints involving Perez,
23 Woodward, or Boura as subjects, witnesses, or decisionmakers. That was a reasonable
24 and proportional approach. Plaintiff's dissatisfaction with the results of that search does not
25 justify expanding discovery to the entire University. Chico State is a large institution with
26 numerous colleges, departments, offices, employees, students, and complaint processes.
27 Rule 26 does not permit Plaintiff to treat the absence of responsive evidence in the relevant
28

1 universe as a license to conduct a campuswide search for unrelated complaints involving
2 different people, different departments, different conduct, different decisionmakers, and
3 different alleged adverse actions.

4 For RFP No. 103, Defendant objected because the request seeks all
5 communications between the Chancellor's Office and any representative of Chico State
6 regarding Title IX and DHR investigations or oversight. The request does not identify any
7 custodian, mailbox, sender, recipient, specific investigation, specific oversight issue, or
8 specific subject matter tied to Plaintiff's claims.

9 On May 7, 2026, Defendant explained that the Chancellor's Office employs hundreds
10 of people and that Defendant could not search the Chancellor's Office as an abstract
11 category. *Id.* at ¶ 6, Ex. D. Defendant asked Plaintiff to propose specific custodians and
12 search terms. On May 20, 2026, Plaintiff responded that it was not in a position to provide
13 custodians and proposed search terms instead. *Id.* Defendant explained that Plaintiff
14 needed to identify specific custodians or mailboxes, a reasonable date range, and
15 appropriate search terms so Defendant could evaluate whether the requested search was
16 reasonable and proportional. *Id.*

17 Plaintiff later reframed RFP No. 103 as involving communications about
18 implementation of the Cozen Report recommendations. Defendant asked Plaintiff to clarify
19 whether Plaintiff was narrowing RFP No. 103 to communications regarding implementation
20 of the Cozen Report recommendations, or whether Plaintiff was still seeking all
21 communications regarding Title IX and DHR investigations or oversight. Defendant
22 explained that those are materially different scopes. *Id.*

23 On June 16, 2026, Plaintiff stated that it would agree to a limitation involving
24 implementation of the Cozen Report recommendations, but with the expansion that the
25 request should also cover communications regarding deficiencies in Chico State's Title IX
26 and DHR process even if those deficiencies were discussed outside the context of the
27 Cozen Report. Plaintiff again stated that it could not identify custodians. *Id.*

28

1 The parties met and conferred by telephone on June 24, 2026. They were unable to
2 resolve the disputes.

3 **III. DISCOVERY AT ISSUE**

4 **REQUEST NO. 95:**

5 All investigation files reviewed by Cozen O'Connor's Institutional Response Group
6 as part of their evaluation of California State University, Chico in 2022 or 2023.

7 **RESPONSE TO REQUEST NO. 95:**

8 Responding Party responds to Request for Production ("RPD") No. 95, erroneously
9 numbered as RPD No. 96 as follows:

10 Objection. Responding Party objects on the grounds that the request is overbroad,
11 unduly burdensome, not proportional to the needs of the case, and not reasonably tailored
12 to seek information relevant to any claim or defense. Responding Party further objects on
13 the grounds that the request seeks information protected by the constitutional and common
14 law rights of privacy of third parties. The Request is not drawn with narrow specificity and is
15 not the least intrusive means of seeking whatever information Plaintiff contends is relevant.
16 Subject to and without waiving said objections, Responding Party responds as follows:

17 Responding Party conducted a diligent search and reasonable inquiry as it pertains
18 to investigation files pertaining to the College of Agriculture and the University Farm. After
19 a diligent search and reasonable inquiry into that narrowed scope, Responding Party is
20 unable to comply with the request because no responsive documents exist.

21 **REQUEST NO. 100:**

22 All Title IX/DHR cases alleging race discrimination or unequal treatment based on
23 race at California State University, Chico from 2017 to the present.

24 **RESPONSE TO REQUEST NO. 100:**

25 Responding Party responds to Request for Production ("RPD") No. 100, erroneously
26 numbered as RPD No. 101 as follows:

27 Responding Party objects on the grounds that the request seeks documents already
28

1 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
2 scope. The request seeks confidential third party records not relevant to this lawsuit.
3 Responding Party further objects on the grounds that the request is overbroad, unduly
4 burdensome, not proportional to the needs of the case, and not reasonably tailored to seek
5 information relevant to any claim or defense. The request is not drawn with narrow
6 specificity and is not the least intrusive means of seeking whatever information Plaintiff
7 contends is relevant. The request seeks documents protected by the attorney-client
8 privilege and work product doctrine. Subject to and without waiving said objections,
9 Responding Party responds as follows:

10 Responding Party will conduct a diligent search and reasonable inquiry as it pertains
11 to such cases from 2020-present that pertain to the College of Agriculture and University
12 Farm. After conducting a diligent search and reasonable inquiry, Responding Party is
13 unable to comply with this request because no responsive documents exist.

14 **AMENDED RESPONSE TO REQUEST NO. 100**

15 Responding Party responds to Request for Production ("RPD") No. 100, erroneously
16 numbered as RPD No. 101 as follows:

17 Responding Party objects on the grounds that the request seeks documents already
18 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
19 scope. The request seeks confidential third party records not relevant to this lawsuit. Respond-
20 ing Party further objects on the grounds that the request is overbroad, unduly burdensome,
21 not proportional to the needs of the case, and not reasonably tailored to seek information
22 relevant to any claim or defense. The request is not drawn with narrow specificity and is not
23 the least intrusive means of seeking whatever information Plaintiff contends is relevant. The
24 request seeks documents protected by the attorney-client privilege and work product doctrine.
25 Subject to and without waiving said objections, Responding Party responds as follows:

26 Pursuant to meet-and-confer efforts between the parties, Responding Party will conduct
27 a diligent search and reasonable inquiry to produce nonprivileged complaint/intake documents
28

1 from 2020-present for complaints involving Steve Perez, Sheryl Woodward, and/or Ahmad
 2 Boura to the extent those individuals were either the subject of complaint or they personally
 3 participated in the investigation either as witnesses or decisionmakers. Please see DEF
 4 049445-049446 which are confidential documents produced pursuant to the stipulated protec-
 5 tive order.

6 **REQUEST NO. 101:**

7 All Title IX/DHR cases alleging gender discrimination or unequal treatment based on
 8 gender at California State University, Chico from 2017 to the present.

9 **RESPONSE TO REQUEST NO. 101:**

10 Responding Party responds to Request for Production ("RPD") No. 101, erroneously
 11 numbered as RPD No. 102 as follows:

12 Responding Party objects on the grounds that the request seeks documents already
 13 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
 14 scope. The request seeks confidential third party records not relevant to this lawsuit.
 15 Responding Party further objects on the grounds that the request is overbroad, unduly
 16 burdensome, not proportional to the needs of the case, and not reasonably tailored to seek
 17 information relevant to any claim or defense. The request is not drawn with narrow
 18 specificity and is not the least intrusive means of seeking whatever information Plaintiff
 19 contends is relevant. The request seeks documents protected by the attorney-client
 20 privilege and work product doctrine.

21 Responding Party will conduct a diligent search and reasonable inquiry as it pertains
 22 to such cases from 2020-present that pertain to the College of Agriculture and University
 23 Farm. After conducting a diligent search and reasonable inquiry, Responding Party is
 24 unable to comply with this request because no responsive documents exist.

25 **AMENDED RESPONSE TO REQUEST NO. 101**

26 Responding Party responds to Request for Production ("RPD") No. 101, erroneously
 27 numbered as RPD No. 102 as follows:
 28

1 Responding Party objects on the grounds that the request seeks documents already
 2 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
 3 scope. The request seeks confidential third party records not relevant to this lawsuit. Respond-
 4 ing Party further objects on the grounds that the request is overbroad, unduly burdensome,
 5 not proportional to the needs of the case, and not reasonably tailored to seek information
 6 relevant to any claim or defense. The request is not drawn with narrow specificity and is not
 7 the least intrusive means of seeking whatever information Plaintiff contends is relevant. The
 8 request seeks documents protected by the attorney-client privilege and work product doctrine.
 9 Subject to and without waiving said objections, Responding Party responds as follows:

10 Pursuant to meet-and-confer efforts between the parties, Responding Party will conduct
 11 a diligent search and reasonable inquiry to produce nonprivileged complaint/intake documents
 12 from 2020-present for complaints involving Steve Perez, Sheryl Woodward, and/or Ahmad
 13 Boura to the extent those individuals were either the subject of complaint or they personally
 14 participated in the investigation either as witnesses or decisionmakers. After a diligent search
 15 and reasonable inquiry, Responding Party is unable to comply with the request because no
 16 responsive documents exist.

17 **REQUEST NO. 102:**

18 All Title IX/DHR cases alleging gender discrimination or unequal treatment based on
 19 national origin or accent at California State University, Chico from 2017 to the present.

20 **RESPONSE TO REQUEST NO. 102:**

21 Responding Party responds to Request for Production ("RPD") No. 102, erroneously
 22 numbered as RPD No. 103 as follows:

23 Responding Party objects on the grounds that the request seeks documents already
 24 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
 25 scope. The request seeks confidential third party records not relevant to this lawsuit.
 26 Responding Party further objects on the grounds that the request is overbroad, unduly
 27 burdensome, not proportional to the needs of the case, and not reasonably tailored to seek
 28

1 information relevant to any claim or defense. The request is not drawn with narrow
2 specificity and is not the least intrusive means of seeking whatever information Plaintiff
3 contends is relevant. The request seeks documents protected by the attorney-client
4 privilege and work product doctrine.

5 Responding Party will conduct a diligent search and reasonable inquiry as it pertains
6 to such cases from 2020-present that pertain to the College of Agriculture and University
7 Farm. After conducting a diligent search and reasonable inquiry, Responding Party is
8 unable to comply with this request because no responsive documents exist.

9 **AMENDED RESPONSE TO REQUEST NO. 102**

10 Responding Party responds to Request for Production (“RPD”) No. 102, erroneously
11 numbered as RPD No. 103 as follows:

12 Responding Party objects on the grounds that the request seeks documents already
13 produced in this lawsuit. The request is vague, ambiguous, and overbroad as to time and
14 scope. The request seeks confidential third party records not relevant to this lawsuit. Respond-
15 ing Party further objects on the grounds that the request is overbroad, unduly burdensome,
16 not proportional to the needs of the case, and not reasonably tailored to seek information
17 relevant to any claim or defense. The request is not drawn with narrow specificity and is not
18 the least intrusive means of seeking whatever information Plaintiff contends is relevant. The
19 request seeks documents protected by the attorney-client privilege and work product doctrine.
20 Subject to and without waiving said objections, Responding Party responds as follows:

21 Pursuant to meet-and-confer efforts between the parties, Responding Party will conduct
22 a diligent search and reasonable inquiry to produce nonprivileged complaint/intake documents
23 from 2020-present for complaints involving Steve Perez, Sheryl Woodward, and/or Ahmad
24 Boura to the extent those individuals were either the subject of complaint or they personally
25 participated in the investigation either as witnesses or decisionmakers. After a diligent search
26 and reasonable inquiry, Responding Party is unable to comply with the request because no
27 responsive documents exist.

REQUEST NO. 103:

All COMMUNICATIONS between the Chancellor's Office and any representative of California State University, Chico, regarding Title IX/DHR investigations or oversight.

RESPONSE TO REQUEST NO. 103:

Responding Party responds to Request for Production ("RPD") No. 103, erroneously numbered as RPD No. 104 as follows:

Responding Party objects on the grounds that the request is vague, ambiguous, and overbroad as to time and scope. The request seeks confidential third party records not relevant to this lawsuit. Responding Party further objects on the grounds that the request is unduly burdensome, not proportional to the needs of the case, and not reasonably tailored to seek information relevant to any claim or defense. The request is not drawn with narrow specificity and is not the least intrusive means of seeking whatever information Plaintiff contends is relevant.

IV. Request for Production No. 95 (Investigative Files Reviewed By Cozen)**A. Plaintiff's Position****1. Discovery of Investigation Files Reviewed by Cozen Is Appropriate (RFP 95)**

Request for Production 95 seeks the Chico State investigation files that Cozen reviewed as part of its evaluation of Chico State. Defendant attempts to restrict its response to files pertaining to the College of Agriculture and University Farm, but there is no evidence that Chico State segregates its Title IX/Office of Civil Rights at such a granular level. Moreover, Cozen's assessment was of the systems at both the CSU system, generally, and Chico State specifically—Cozen did not limit its investigation or separate it by department. To the contrary, Cozen's report is clear that it met with departments across the University and makes no distinction between different colleges in any of its reporting. See Obando Decl. ¶ 21, Ex. 20 at DEF 48659-60.

Plaintiff alleges both that she faced discrimination because of her race and gender, and that Chico State failed in its duty to prevent such discrimination. Cozen reviewed Chico

1 State's system for responding to complaints of discrimination generally, and that same
 2 system is the one that failed Plaintiff. The files reviewed by Cozen in its assessment of
 3 Chico State's response to complaints of discrimination is therefore relevant to Chico State's
 4 overall failure to prevent discrimination, and these files are akin to me-too evidence, which
 5 courts regularly allow plaintiffs to discover.

6 It is established law that an employer's response—or failure to respond—to protected
 7 complaints is relevant to proving intent, which goes to motive. *McDonnell Douglas Corp. v.*
 8 *Green*, 411 U.S. 792, 804-05 (1973) ("Other evidence that may be relevant to any showing
 9 of pretext includes facts as to the petitioner's treatment of respondent during his prior term
 10 of employment; petitioner's reaction, if any, to respondent's legitimate civil rights activities .
 11 . . ."); *McGinest v. GTE Service Corp.*, 360 F.3d 1103, 1123 (9th Cir. 2004) ("GTE's
 12 permissive response to harassing actions undertaken by coworkers and supervisors . . .
 13 also is circumstantial evidence of pretext."); *Fuller v. City of Oakland*, 47 F.3d 1522, 1535
 14 (9th Cir. 1995) (inadequate investigation of sexual harassment complaint supports inference
 15 of gender bias).

16 Moreover, courts are clear that "me-too" evidence of other complaints of
 17 discrimination are discoverable in employment discrimination cases. *See, e.g., Heyne v.*
 18 *Caruso*, 69 F.3d 1475, 1479 (9th Cir. 1995) ("[i]t is clear that an employer's conduct tending
 19 to demonstrate hostility towards a certain group is both relevant and admissible where the
 20 employer's general hostility towards that group is the true reason behind firing an employee
 21 who is a member of that group."); *Jackson v. Montgomery Ward Co., Inc.*, 173 F.R.D. 524,
 22 527 (D. Nev. 1997) ("[D]iscovery of prior complaints of discrimination is permitted in order
 23 to prove that the reasons articulated for an adverse employment action are a pretext for
 24 discrimination."); *Patterson v. The Boeing Co.*, 2018 WL 5937911, at *20 (C.D. Cal. Apr. 4,
 25 2018) ("Under proper circumstances, evidence of an employer's discriminatory treatment
 26 of other employees who were members of a protected class may create an inference of
 27 discriminatory intent toward plaintiff as a member of that class.") (quotations and citations
 28

1 omitted).

2 The Ninth Circuit has made clear that there is no requirement that me-too evidence
 3 be from the same decision maker. “It is irrelevant whether the same [decision-maker] made
 4 all of the hiring and promotion decisions about which [plaintiff] seeks information. One way
 5 of reaching conclusions about an employer’s motive is by ascertaining whether the
 6 employer’s explicit or implicit policies encourage or permit discriminatory employment
 7 decisions by its supervisory personnel.” *See Diaz v. American Tel. & Tel.*, 752 F.2d 1356,
 8 1364 (9th Cir. 1985). *See also Gould v. Hilton Worldwide, Inc.*, Case No.: 1:13-cv-00438
 9 JLT, at *6 n.2 (E.D. Cal. Apr. 8, 2014) (“Defendants argue that ‘me too’ evidence may be
 10 found only in cases in which the plaintiff seeks to introduce evidence that others suffered
 11 sexual harassment by the same harasser *or where others of the same protected class were*
 12 *subject to discrimination*. The Court notes Defendants fail to cite to authority for this. More
 13 to the point, Federal Rules of Evidence 404(b) applies to all types of litigation not only to
 14 those cases which raise sexual harassment claims and not only to those that arise under
 15 Title VII.”) (emphasis added).

16 **2. Privacy Concerns Are Addressed by a Protective Order**

17 Defendant objects that discovery into these investigative files would reveal
 18 confidential information of uninvolved third-parties. However, the protective order in place
 19 in this litigation, ECF 22, adequately safeguards the privacy of those individuals. *See*
 20 *E.E.O.C. v. California Psychiatric Transitions*, 258 F.R.D. 391, 395 (E.D. Cal. 2009) (“[A]ny
 21 privacy concerns can be addressed with a protective order.”). Moreover, Plaintiff offered
 22 during the meet and confer efforts to receive any investigative files that Cozen reviewed
 23 with identifying information redacted, which removes any privacy concerns. Obando Decl.
 24 ¶ 4, Ex. 3 at 5-12.

25 **3. The Information Sought Is Proportional to the Needs of the Case**

26 The standards regarding the relevance of me-too or comparator discovery have not
 27 changed since the amendments to Rule 26, and courts have continued to follow *Heyne*
 28 since the 2015 amendments. *See, e.g., Zetwick v. Cnty. of Yolo*, 850 F.3d 436, 445 (9th

1 Cir. 2017) (“It was also improper for the district court to disregard Zetwick’s evidence that
 2 Prieto hugged and kissed other women.”); *Staton v. City of Butte-Silver Bow*, No. CV-20-
 3 60-BU-BMM, at *12 (D. Mont. Nov. 29, 2023) (“Evidence of discrimination against other
 4 female BSB employees would make more or less probable whether gender based animus
 5 motivated the adverse employment actions complained of in Staton’s gender discrimination
 6 and hostile work environment claim.”); *Anigbogu v. Mayorkas*, No. 21-CV-07419-TSH, at
 7 *17-18 (N.D. Cal. Nov. 22, 2023) (“Me too evidence may be used to show motive or intent,
 8 or for other non-propensity purposes.”) (citing cases) (quotations omitted); *Specht v. Nw.*
 9 *Helicopters LLC*, 3:21-cv-05730-JHC, at *6 (W.D. Wash. Nov. 16, 2022) (“the discovery
 10 sought could be relevant to whether [the defendant] ignored complaints of harassment in
 11 the past, which could prove discriminatory intent or establish a “pattern or practice” of
 12 misconduct.”); *Tijerina v. Alaska Airlines, Inc.*, 22-cv-00203-JLS-BGS, at *7 (S.D. Cal. Nov.
 13 7, 2022) (“The me-too complaints and investigative records that Plaintiff seeks in these
 14 requests may be relevant to Plaintiff’s causes of action dealing with hostile work
 15 environment and failure to prevent harassment, retaliation and discrimination.”).

16 Regardless, Plaintiff’s requests are proportional to the needs of this case. Rule
 17 26(b)(1) provides factors for consideration in determining whether discovery is proportional
 18 to the needs of the case, including “the importance of the issues at stake in the action, the
 19 amount in controversy, the parties’ relative access to relevant information, the parties’
 20 resources, the importance of the discovery in resolving the issues, and whether the burden
 21 or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).

22 “The party resisting discovery has the burden to show that discovery should not be
 23 allowed, and the burden of clarifying, explaining, and supporting its objections.” *Laub v.*
 24 *Horbaczewski*, 331 F.R.D. 516, 521 (C.D. Cal. 2019) (citations and quotations omitted).
 25 While the burden rests with Defendants to substantiate their objections—and Plaintiff does
 26 not concede otherwise—Plaintiff contends the requested discovery is proportional to the
 27 needs of the case for the following reasons:
 28

1 **First**, information concerning investigation files reviewed by Cozen is important to
 2 Plaintiff's claims, and especially her claim for failure to prevent discrimination. Cozen's
 3 analyses offer evidence about systemwide failings—failings that directly affected Plaintiff.
 4 Multiple CSU witnesses testified that they did not do anything with her complaints, despite
 5 policy requiring them to report it. See Obando Decl. ¶¶ 17-18, Exs. 16-17. The DHR
 6 Coordinator—the person designated to oversee Chico State's nondiscrimination policy—
 7 knew Plaintiff had concerns about discrimination yet also did nothing. The actions that Chico
 8 State took in other cases involving reports to that same office are probative of failures that
 9 may have arisen in hers, or conversely, how Chico State should have responded to her
 10 concerns.

11 **Second**, the amount in controversy is substantial. Should Plaintiff prevail, Defendant
 12 will be liable for Plaintiff's economic and non-economic damages. Plaintiff estimates that
 13 these damages will amount to over a million dollars.

14 **Third**, Plaintiff has no access to this information other than through Defendant or
 15 Cozen. This places Plaintiff in the impossible position of not being able to evaluate the very
 16 same information that led to Cozen's conclusions as to the various failings it documented.
 17 See *Babbitt v. Albertson's*, 1992 WL 605652, at *6 (N.D. Cal. 1992) ("Defendant has access
 18 to this information . . . plaintiff should have the same access.").

19 **Finally**, Defendant is a large university system. It has the resources to seek and
 20 produce this information—and it has the information available already, as reflected by
 21 counsel's representation that, in searching for responsive documents, they identified three
 22 reports. See Obando Decl. ¶ 4, Ex. 3 at 9-10. There is no burden in providing information
 23 already accessible, and certainly not one sufficient to outweigh the likely benefit to Plaintiff.

24 **B. Defendant's Position**

25 Request for Production No. 95 should be denied because Plaintiff seeks confidential
 26 third-party investigation files that have no meaningful nexus to her claims. Rule 26 permits
 27 discovery only as to nonprivileged matters relevant to a party's claim or defense and pro-
 28

1 proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1). The Supreme Court has made
2 clear that whether other alleged discrimination evidence is relevant in an individual discrim-
3 ination case is a fact-specific inquiry that depends on how closely related the evidence is to
4 the plaintiff's circumstances and theory of the case. *Sprint/United Mgmt. Co. v. Mendelsohn*,
5 552 U.S. 379, 388 (2008). Plaintiff cannot satisfy that standard.

6 RFP No. 95 seeks all investigation files reviewed by Cozen O'Connor as part of its
7 evaluation of Chico State. Plaintiff's argument is that, because Cozen reviewed those files
8 while evaluating Chico State's Title IX and DHR systems, the files must be relevant to Plain-
9 tiff's failure to prevent claim. That is not enough. The fact that Cozen reviewed a small
10 sample of files for an institutional assessment does not make every underlying file discov-
11 erable in this employment case. Discovery is governed by the claims and defenses in this
12 lawsuit, not by the scope of Cozen's institutional assessment.

13 The Cozen assessment was different in kind from Plaintiff's claims. It was a broad
14 systemwide review of Title IX and DHR infrastructure, reporting, case processing, preven-
15 tion, training, campus coordination, resources, and oversight. It was not an investigation of
16 Plaintiff, Dr. Orellana, the College of Agriculture, the University Farm, the Farm Director
17 search, Plaintiff's removal as Dean, Plaintiff's merit bonus, or any alleged discrimination or
18 retaliation against Plaintiff. Although the Cozen report uses the broader Title IX and DHR
19 label, the Chico State report is not focused on race discrimination. It is principally an insti-
20 tutional process assessment with substantial emphasis on sexual and gender-based har-
21 assment and violence, sexual misconduct, sexual assault, dating and domestic violence,
22 stalking, sexual exploitation, sexual harassment, supportive measures, prevention program-
23 ming, and related process issues. Plaintiff's lawsuit does not assert claims for sexual mis-
24 conduct, sexual assault, dating violence, domestic violence, stalking, sexual exploitation, or
25 sexual harassment.

26 Further, the specific files identified during the meet and confer process are not rele-
27 vant. Defendant advised Plaintiff that Cozen reviewed only a small sample of Chico State
28

case files. Specifically, Defendant identified three Chico State investigation files reviewed by Cozen. One involved a sexual harassment complaint by a custodian against another custodian in Facilities Management. The other two involved students. One was a student sexual assault complaint against another student, and the other was a student sexual misconduct complaint against a lecturer in another department. None involved Plaintiff, Dr. Orellana, the College of Agriculture, the University Farm, the Farm Director search, Plaintiff's removal, Plaintiff's merit bonus, Perez, Woodward, Boura, or any witness or decisionmaker in this lawsuit. None involved race or gender discrimination or retaliation. Norton Decl., ¶ 5.

Plaintiff's "same system" argument is too abstract to satisfy Rule 26. Plaintiff asserts that Cozen reviewed Chico State's system for responding to complaints and that this is the same system that allegedly failed her. However, Plaintiff never filed a DHR complaint during her employment. Norton Decl., ¶¶ 3-4, Exs. B-C. She is not similarly situated to students or employees who invoked the DHR process and whose complaints were investigated, not investigated, resolved, or otherwise processed through that system. More importantly, Plaintiff is not entitled to confidential third-party files simply because they passed through the same general administrative office. Otherwise, any employee who alleges a failure to prevent claim could obtain unrelated Title IX and DHR files across an entire university, regardless of department, decisionmaker, protected basis, alleged misconduct, or employment action. Rule 26 does not permit that result.

Plaintiff's "me too" authorities do not support production. Those cases recognize that other acts evidence may be relevant under proper circumstances, but they do not authorize discovery of unrelated third-party complaints with no factual connection to the plaintiff's circumstances. *Sprint* expressly requires a close, fact-specific relationship between the other evidence and the plaintiff's theory. 552 U.S. at 388. *Heyne* involved evidence that the same employer tolerated sexual harassment by the *same* alleged harasser. *Heyne v. Caruso*, 69 F.3d 1475, 1479-1480 (9th Cir. 1995).

1 *McGinest* does not support Plaintiff's requested discovery. In *McGinest*, the Ninth
 2 Circuit considered evidence that the employer tolerated racial harassment by coworkers
 3 and supervisors in the plaintiff's own workplace and in connection with the plaintiff's own
 4 hostile work environment and failure to promote claims. *McGinest v. GTE Serv. Corp.*, 360
 5 F.3d 1103, 1123 (9th Cir. 2004). The evidence was probative because it bore directly on
 6 the employer's treatment of racial harassment affecting the plaintiff and on the employer's
 7 explanation for the challenged promotion decision. This case is different. Plaintiff seeks un-
 8 related DHR and Title IX files involving different complainants, different respondents, differ-
 9 ent departments, different alleged conduct, and different institutional actors. Those files do
 10 not involve Plaintiff, Dr. Orellana, the College of Agriculture, the University Farm, the Farm
 11 Director search, Plaintiff's removal, Plaintiff's merit bonus, or any alleged decisionmaker or
 12 influencer. At most, *McGinest* confirms that other acts evidence must have a meaningful
 13 factual connection to the plaintiff's claims. That connection is absent here.

14 *Fuller* involved the defendant's inadequate response to the plaintiff's own sexual har-
 15 assment complaint, which has no bearing on me-too discovery. *Fuller v. City of Oakland*,
 16 47 F.3d 1522, 1535 (9th Cir. 1995).

17 Plaintiff's reliance on *Diaz* is also misplaced. *Diaz* does not hold that a plaintiff may
 18 obtain unrelated confidential complaint files or broad institutional communications whenever
 19 she alleges discrimination. *Diaz* involved a failure to promote claim and a request for statis-
 20 tical evidence regarding the employer's hiring and promotion practices. *Diaz v. American*
 21 *Tel. & Tel.*, 752 F.2d 1356, 1362-63 (9th Cir. 1985). The Ninth Circuit reasoned that evi-
 22 dence of employer policies or practices may be relevant where those policies encourage or
 23 permit discriminatory employment decisions by supervisory personnel. That principle sup-
 24 ports Defendant's position because the discovery must still be tied to the employment prac-
 25 tice at issue.

26 Plaintiff does not seek statistics or documents concerning comparable employment
 27 decisions, such as dean removals, merit bonus decisions, or employment decisions involv-
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1 ing Perez, Boura, Woodward, or the College of Agriculture. She seeks confidential DHR
2 and Title IX complaint files and communications about complaint processing deficiencies
3 involving other complainants, other respondents, other departments, other adverse employ-
4 ment actions, other alleged conduct, and other institutional actors. Those materials do not
5 concern the employment decision-making process that led to Plaintiff's removal or merit
6 bonus decision. Nor has Plaintiff identified any Chico State policy that encouraged or per-
7 mitted Perez, or any alleged influencer, to make discriminatory employment decisions.

8 The language Plaintiff quotes from *Diaz* does not eliminate the required nexus be-
9 tween the requested discovery and the claims at issue. Here, Plaintiff seeks discovery into
10 DHR and Title IX complaint handling, even though she never filed a DHR complaint during
11 her employment and her claims arise from discrete employment decisions. *Diaz* does not
12 convert unrelated complaint files or generalized institutional communications into discover-
13 able evidence of motive or pretext.

14 Plaintiff's reliance on Cozen is not merely overstated. It is based on the wrong report.
15 Plaintiff quotes the Systemwide Report to suggest that Cozen identified Chico State-specific
16 problems involving accountability and placing the burden on complainants. The Chico State
17 Report did not make those findings. Plaintiff cannot use systemwide observations about
18 other campuses or the CSU system generally to manufacture relevance as to Chico State.
19 The relevant inquiry is whether the specific files reviewed by Cozen bear a meaningful con-
20 nection to Plaintiff's circumstances and theory of the case. They do not. The three files
21 involve unrelated sexual harassment or sexual misconduct matters in Facilities Manage-
22 ment or student contexts. They are not race discrimination complaints, they do not concern
23 employment decisions comparable to Plaintiff's removal, and they have no connection to
24 the College of Agriculture, the University Farm, the Farm Director search, Plaintiff's merit
25 bonus, Perez, Boura, Woodward, or any alleged decisionmaker or influencer.

26 Second, Plaintiff mischaracterizes the Chico State Report itself. The Report merely
27 noted the proportion of matters that proceeded to formal investigation and made no finding
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1 that Chico State improperly failed to investigate discrimination complaints. To the contrary,
2 Cozen's actual review of the three completed investigation files Plaintiff seeks was favora-
3 ble. Cozen found that EODR investigators were thorough in collecting evidence, clear and
4 consistent in their writing, cogent in their reasoning and analysis, and timely in completing
5 their investigations. (Chico State Report, DEF 048671-048672.) Cozen's separate recom-
6 mendations concerning intake, communication, coordination, and process improvement
7 therefore do not establish the relevance of files in which Cozen identified no investigative
8 deficiency. Those files also concern matters that reached EODR and proceeded to investi-
9 gation, so they shed no light on Plaintiff's different theory that particular administrators
10 should have referred her statements to EODR in the first instance.

11 Plaintiff's privacy argument also fails. The existence of a stipulated protective order
12 does not create relevance, eliminate proportionality, or give Plaintiff unfettered access to
13 confidential third-party complaint files. A protective order may reduce some risk of disclo-
14 sure, but it is not a substitute for the threshold showing that the requested documents are
15 relevant and proportional. Courts recognize that discovery into personnel, complaint, and
16 investigation files can implicate significant privacy interests, particularly where the files con-
17 cern nonparties. *See In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417,
18 424-25 (9th Cir. 2011) (recognizing privacy interests in personnel files containing sensitive
19 allegations and requiring balancing of private and public interests); *Sanchez v. City of Santa*
20 *Ana*, 936 F.2d 1027, 1033-34 (9th Cir. 1990) (recognizing qualified protection for govern-
21 ment personnel files and requiring case-specific balancing). Plaintiff has not made the re-
22 quired showing here because the requested files involve unrelated third parties, different
23 departments, different alleged conduct, and different decisionmakers.. Redacting names
24 does not eliminate those privacy interests, particularly where the files may contain detailed
25 facts, witness identities, timelines, institutional responses, and other information from which
26 the parties could be identified.

27 Plaintiff's proportionality argument likewise fails. The likely benefit of the requested
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files is minimal because the files involve different complainants, different respondents, different departments, different protected interests, different alleged conduct, and different institutional actors. By contrast, the burden and privacy intrusion are substantial. Defendant would have to review highly sensitive third-party investigation files for privacy, student information, privilege, work product, attorney-client communications, confidential witness information, and identifying details. The fact that Defendant has identified three files does not mean production is free of burden. Defendant has provided a reasonable response to Plaintiff's discovery requests related to the Cozen report. Defendant narrowed its search to state it would produce any such investigation files reviewed by Cozen to the extent they were related in any way to the College of Agriculture or University Farm. No responsive documents exist within that narrowed scope. That limitation appropriately captures any potential nexus to Plaintiff's claims while protecting unrelated students and employees from disclosure of confidential complaint files. Plaintiff's request for the three unrelated files reviewed by Cozen should therefore be denied.

V. Requests 100-102 (Complaints of Discrimination at Chico State)

A. Plaintiff's Position

Requests for Production Nos. 100-102 seek all Title IX/DHR cases alleging race, gender, or national origin discrimination at Chico State—the very same allegations made by Plaintiff. During the meet and confer process, Plaintiff agreed to limit the temporal scope to 2020 to the present.

1. Discovery of All Complaints at Chico State Is Warranted by the Failures of Administrators at the Highest Levels

As the Supreme Court has found, "[t]he question whether evidence of discrimination by other supervisors is relevant in an individual [discrimination] case is fact based and depends on many factors, including how closely related the evidence is to the plaintiff's circumstances and theory of the case." *Sprint/United Mgmt. Co. v. Mendelsohn*, 552 U.S. 379, 388, 128 S. Ct. 1140, 1147, 170 L. Ed. 2d 1 (2008). Plaintiff's theory of the case is that Chico State and Defendant the CSU Board of Trustees have allowed discrimination to go

1 unchecked systemwide and have failed to appropriately investigate complaints of
2 discrimination.

3 Dr. Stock's complaints were made as part of her appeal and received by the
4 Chancellor's Office. Individuals with knowledge of her complaints, or who received them,
5 held roles at the highest institutional levels: Steve Perez, President of Chico State; Sheryl
6 Woodward, Associate Vice President for Staff Human Resources; Leora Freedman, Vice
7 Chancellor for Human Resources; Ahmad Boura, Vice President of Advancement, Chico
8 State; and Dylan Saake, Assistant Vice President of Equal Opportunity and Dispute
9 Resolution.

10 Because of the involvement and failures of these high-level individuals, the
11 appropriate scope of evidence is any complaints involving their offices. Cozen's findings
12 that the CSU has failed, systemwide, to investigate a large percentage of cases brought to
13 its attention only underscores the importance and relevance of the information Plaintiff
14 seeks. The inaction of these individuals towards a dean suggests that Chico State does not
15 address complaints of discrimination and has instead created an atmosphere where such
16 complaints are routinely dismissed or swept under the rug. The scope of the complaints
17 sought by Plaintiff—all complaints of the same protected bases that were made at Chico
18 State—is warranted by the inaction of its highest-level employees. *See Conway v. Electro*
19 *Switch Corp.*, 825 F.2d 593, 597 (1st Cir. 1987) ("...circumstantial evidence of a
20 discriminatory atmosphere at a plaintiff's place of employment is relevant to the question of
21 motive in considering a discrimination claim . . . such evidence does tend to add 'color' to
22 the employer's decisionmaking processes and to the influences behind the actions taken
23 with respect to the individual plaintiff."); *see also Ercegovich v. Goodyear Tire & Rubber*
24 *Co.*, 154 F.3d 344, 356 (6th Cir. 1998) ("[M]anagements' consideration of an impermissible
25 factor in one context may support the inference that the impermissible factor entered into
26 the decision making process in another context.").

27 As discussed above, courts routinely order production of, or otherwise find
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admissible, complaints of discrimination involving the same units as those alleged by the party seeking production. See, e.g., *Heyne v. Caruso*, 69 F.3d 1475, 1479 (9th Cir. 1995); *Diaz v. American Tel. & Tel.*, 752 F.2d 1356, 1364 (9th Cir. 1985); *Jackson v. Montgomery Ward Co., Inc.*, 173 F.R.D. 524, 527 (D. Nev. 1997); *Patterson v. The Boeing Co.*, 2018 WL 5937911, at *20 (C.D. Cal. Apr. 4, 2018); *Goold v. Hilton Worldwide, Inc.*, Case No.: 1:13-cv-00438 JLT, at *6 n.2 (E.D. Cal. Apr. 8, 2014).

2. Private Information Is Safeguarded by the Protective Order and the Information Sought Is Proportional to the Needs of the Case

As discussed above with respect to RFP 95, Plaintiff has offered to receive records responsive to this request with identifying information removed, and to the extent any other privacy concerns remain, they are safeguarded by the protective order. Obando Decl. ¶ 4, Ex. 3 at 5-12; see *E.E.O.C. v. California Psychiatric Transitions*, 258 F.R.D. 391, 395 (E.D. Cal. 2009) (“[A]ny privacy concerns can be addressed with a protective order.”).

Moreover, the information sought is proportional to the needs of the case. Plaintiff’s claims of discrimination involve decisionmakers and bad actors at the highest levels of Chico State’s administration. The appropriate scope of me-too evidence is the departments over which decisionmakers or involved individuals had authority—and that is precisely the scope Plaintiff seeks. As with RFP 95, this information is important to assessing the discriminatory atmosphere at Chico State, which goes both to her discrimination claim as evidence of animus, and her failure to prevent discrimination claim. It is also information that is unavailable to Plaintiff by any other means. Moreover, Defendant maintains a case management system, Maxient, which would make searching for such documents straightforward. See Obando Decl. ¶ 19, Ex. 18 at 113:19-24.

B. Defendant’s Position

RFP Nos. 100-102 should be denied beyond the narrowed production Defendant already provided. These requests seek campuswide Title IX and DHR complaints or files alleging race, gender, national origin, or accent discrimination or unequal treatment, regardless of department, complainant, respondent, decisionmaker, alleged conduct, alleged ad-

verse action, or connection to Plaintiff's claims. Rule 26 does not permit that level of discovery. Discovery must be relevant to a claim or defense and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1). Even in discrimination cases, other complaints are not automatically discoverable merely because they involve the same protected category. The relevance inquiry turns on how closely related the other evidence is to the plaintiff's circumstances and theory of the case. *Sprint/United Mgmt. Co. v. Mendelsohn*, 552 U.S. 379, 388 (2008).

Plaintiff's theory does not justify campuswide production. Plaintiff's claims arise from a discrete employment decision involving a former Dean of the College of Agriculture, the Farm Director search, the merit bonus, the appeal process, and Plaintiff's contention that specific individuals inside and outside the University influenced then-interim Provost Perez's decision to remove her. The relevant discovery should therefore focus on Plaintiff, Dr. Orelana, the College of Agriculture, the University Farm, the Farm Director search, Plaintiff's removal, Plaintiff's merit bonus, and the individuals alleged to have participated in or influenced those decisions. RFP Nos. 100-102 go far beyond that universe.

Plaintiff argues that other DHR complaints are relevant to show how Chico State handled discrimination complaints and to support her failure to prevent claim. However, Plaintiff never filed a DHR complaint during her employment. She is not similarly situated to employees or students who invoked the DHR process and whose complaints were investigated, not investigated, resolved, or otherwise processed through that system. The handling of unrelated third-party complaints has little bearing on whether Chico State failed to prevent discrimination or retaliation against Plaintiff, or on whether the employment decisions actually at issue were lawful, especially given that Plaintiff did not participate in the DHR complaint process herself.

Plaintiff's request also ignores the factual limits on "me too" discovery. Plaintiff cannot obtain every race, gender, national origin, or accent complaint at Chico State simply by invoking the same protected categories alleged in her lawsuit. The Supreme Court rejected

1 categorical rules for other employee discrimination evidence and instead required a fact-
 2 specific inquiry based on the relationship between the other evidence and the plaintiff's
 3 claims. *Sprint*, 552 U.S. at 388. The Ninth Circuit cases Plaintiff is likely to rely on are con-
 4 sistent with that rule. *Heyne* involved evidence that the same employer tolerated sexual
 5 harassment by the *same* alleged harasser. *Heyne v. Caruso*, 69 F.3d 1475, 1479-1480 (9th
 6 Cir. 1995).

7 *McGinest* does not support Plaintiff's requested discovery. In *McGinest*, the Ninth
 8 Circuit considered evidence that the employer tolerated racial harassment by coworkers
 9 and supervisors in the plaintiff's own workplace and in connection with the plaintiff's own
 10 hostile work environment and failure to promote claims. *McGinest v. GTE Serv. Corp.*, 360
 11 F.3d 1103, 1123 (9th Cir. 2004). The evidence was probative because it bore directly on
 12 the employer's treatment of racial harassment affecting the plaintiff and on the employer's
 13 explanation for the challenged promotion decision. This case is different. Plaintiff seeks un-
 14 related DHR and Title IX files involving different complainants, different respondents, differ-
 15 ent departments, different alleged conduct, and different institutional actors. Those files do
 16 not involve Plaintiff, Dr. Orellana, the College of Agriculture, the University Farm, the Farm
 17 Director search, Plaintiff's removal, Plaintiff's merit bonus, or any alleged decisionmaker or
 18 influencer. At most, *McGinest* confirms that other acts evidence must have a meaningful
 19 factual connection to the plaintiff's claims. That connection is absent here.

20 *Fuller* involved the defendant's inadequate response to the plaintiff's *own* sexual har-
 21 assment complaint, which has no bearing on me-too discovery. *Fuller v. City of Oakland*,
 22 47 F.3d 1522, 1535 (9th Cir. 1995).

23 Plaintiff's reliance on *Diaz* is also misplaced. *Diaz* does not hold that a plaintiff may
 24 obtain unrelated confidential complaint files or broad institutional communications whenever
 25 she alleges discrimination. *Diaz* involved a failure to promote claim and a request for statis-
 26 tical evidence regarding the employer's hiring and promotion practices. *Diaz v. American*
 27 *Tel. & Tel.*, 752 F.2d 1356, 1362-63 (9th Cir. 1985). The Ninth Circuit reasoned that evi-
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1 dence of employer policies or practices may be relevant where those policies encourage or
2 permit discriminatory employment decisions by supervisory personnel. That principle sup-
3 ports Defendant's position because the discovery must still be tied to the employment prac-
4 tice at issue.

5 Plaintiff does not seek statistics or documents concerning comparable employment
6 decisions, such as dean removals, merit bonus decisions, or employment decisions involv-
7 ing Perez, Boura, Woodward, or the College of Agriculture. She seeks confidential DHR
8 and Title IX complaint files and communications about complaint processing deficiencies
9 involving other complainants, other respondents, other departments, other adverse employ-
10 ment actions, other alleged conduct, and other institutional actors. Those materials do not
11 concern the employment decision-making process that led to Plaintiff's removal or merit
12 bonus decision. Nor has Plaintiff identified any Chico State policy that encouraged or per-
13 mitted Perez, or any alleged influencer, to make discriminatory employment decisions.

14 The language Plaintiff quotes from *Diaz* does not eliminate the required nexus be-
15 tween the requested discovery and the claims at issue. Here, Plaintiff seeks discovery into
16 DHR and Title IX complaint handling, even though she never filed a DHR complaint during
17 her employment and her claims arise from discrete employment decisions. *Diaz* does not
18 convert unrelated complaint files or generalized institutional communications into discover-
19 able evidence of motive or pretext.

20 Plaintiff's failure to prevent claim does not expand discovery to every DHR complaint
21 on campus. A failure to prevent claim does not transform an individual employment dispute
22 into an institutional audit of every discrimination complaint processed by Chico State. Plain-
23 tiff still must show that the requested materials bear a meaningful relationship to the alleged
24 discrimination or retaliation she claims to have suffered. Complaints from other units involv-
25 ing other employees or students, other respondents, different protected bases, different de-
26 cisionmakers, and different alleged adverse actions do not become discoverable simply
27 because they were handled by the same general DHR structure.

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1 Defendant's compromise already captured the only potentially relevant universe out-
2 side the College of Agriculture and University Farm. Defendant initially searched for com-
3 plaints from 2020 to the present pertaining to the College of Agriculture and University Farm.
4 No responsive documents existed. Plaintiff then proposed expanding the scope to every
5 department or unit over which Perez, Boura, or Woodward had any decision-making au-
6 thority. Defendant explained that this was not a meaningful limitation because those indi-
7 viduals held institutional roles and the proposal would functionally require campuswide pro-
8 duction. Rather than stand on that objection alone, Defendant offered a narrower and more
9 targeted compromise. Defendant agreed to produce nonprivileged complaint and intake
10 documents from 2020 to the present for complaints involving Perez, Woodward, or Boura
11 to the extent those individuals were the subjects of the complaints or personally participated
12 in the investigation as witnesses or decisionmakers. Plaintiff agreed to that limitation.

13 Defendant then served second amended responses consistent with that agreed lim-
14 itation. For RFP No. 100, Defendant produced responsive confidential documents under the
15 stipulated protective order. For RFP Nos. 101 and 102, Defendant conducted a diligent
16 search and reasonable inquiry under the agreed limitation and found no responsive docu-
17 ments. Plaintiff now seeks campuswide discovery because the relevant and agreed upon
18 searches did not yield the evidence she wanted. That is not proportional discovery. It is a
19 fishing expedition. Plaintiff cannot start with the College of Agriculture and relevant deci-
20 sionmakers, find little or nothing, and then use that absence of evidence as the reason to
21 search the entire University. The discovery rules require a nexus to the claims and de-
22 fenses, not escalation by disappointment.

23 Defendant then served second amended responses consistent with that agreed lim-
24 itation. For RFP No. 100, Defendant produced responsive confidential documents under the
25 stipulated protective order. For RFP Nos. 101 and 102, Defendant conducted a diligent
26 search and reasonable inquiry under the agreed limitation and found no responsive docu-
27 ments. Plaintiff now seeks to abandon that agreed limitation because it did not produce the
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1 broader evidence Plaintiff apparently hoped to find. That is not a basis to impose campus-
2 wide discovery. The agreed limitation was reasonable and proportional because it captured
3 matters with a potential nexus to the alleged decisionmakers or witnesses while avoiding
4 disclosure of unrelated third-party complaint files.

5 Plaintiff's proposed expansion also raises significant privacy and confidentiality con-
6 cerns. DHR and Title IX files often contain sensitive information about complainants, re-
7 spondents, witnesses, medical or emotional harm, discipline, academic or employment sta-
8 tus, and allegations of protected status misconduct. Courts recognize that discovery into
9 personnel, complaint, and investigation files can implicate significant privacy interests, par-
10 ticularly where the files concern nonparties. *See In re Roman Catholic Archbishop of Port-*
11 *land in Oregon*, 661 F.3d 417, 424-25 (9th Cir. 2011) (recognizing privacy interests in per-
12 sonnel files containing sensitive allegations and requiring balancing of private and public
13 interests); *Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033-34 (9th Cir. 1990) (recogniz-
14 ing qualified protection for government personnel files and requiring case-specific balanc-
15 ing). That showing is absent here.

16 The stipulated protective order does not cure the problem. A protective order may
17 reduce some risk of public disclosure, but it does not create relevance, eliminate propor-
18 tionality, or authorize unfettered access to confidential third-party complaints. Nor would
19 redactions fully protect privacy interests. Even with names removed, the files may contain
20 enough detail to identify complainants, respondents, witnesses, departments, events, time-
21 lines, and outcomes. The burden of reviewing, redacting, and producing campuswide con-
22 fidential complaint files is substantial, and it is not justified by the minimal probative value of
23 complaints unrelated to Plaintiff's circumstances.

24 Plaintiff's request is also disproportionate because it would require Defendant to re-
25 view potentially sensitive files across the entire campus, including files involving students,
26 staff, faculty, and third parties who have no connection to this lawsuit. Rule 26 requires
27 courts to consider the importance of the discovery in resolving the issues and whether the
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burden or expense outweighs its likely benefit. Fed. R. Civ. P. 26(b)(1). Here, the likely benefit is low because the requested files concern unrelated complaints and different decisionmakers. The burden and privacy intrusion are high because the files are confidential, sensitive, and require careful privilege and privacy review.

Defendant's response is reasonable and proportional. Defendant searched for complaints from 2020 to the present pertaining to the College of Agriculture and University Farm and found none. Defendant then agreed to search for and produce nonprivileged complaint and intake documents involving Perez, Woodward, or Boura as subjects, witnesses, or decisionmakers. Defendant produced responsive documents for RFP No. 100 and confirmed there were no responsive documents for RFP Nos. 101 and 102 under that agreed limitation. Plaintiff has not shown good cause to expand the requests to unrelated campuswide DHR and Title IX files. The Court should deny Plaintiff's motion as to RFP Nos. 100-102.

VI. Request for Production 103 (Chancellor Communications)

A. Plaintiff's Position

Request for Production 103 seeks all communications between the Chancellor's office and Chico State regarding Title IX/DHR investigations or oversight. As discussed above, these communications go directly to 1) Chico State's response to the Cozen recommendations, and 2) the Chancellor's office's overall oversight of investigations at the Chico State. Both are relevant to whether the Chancellor's office—who received Plaintiff's appeals—and Chico State failed to prevent the discrimination and retaliation that Plaintiff experienced. This request is also highly probative of whether CSU and Chico State were on notice of their failures to investigate claims but failed to correct these failings.

Defendant objected that, among other grounds, the request was not specific enough to allow for compliance. As part of the meet and confer process, Plaintiff identified search terms to narrow the scope of the request, but repeatedly expressed to Defendant that Plaintiff was not in a position to identify custodians. See Obando Decl. ¶ 4, Ex. 3 at 5-12. Defendant provided organizational charts of individuals within the Chancellor's office, but

1 as Plaintiff has no understanding of which individuals may have been involved in
 2 implementing and/or overseeing Title IX/DHR investigations, Plaintiff is unable to identify
 3 the relevant ones.

4 “[N]othing in Rule 34 requires a requesting party to identify custodians or search
 5 terms.” *NuVasive, Inc. v. Alphatec Holdings, Inc.*, No. 18-CV-0347-CAB-MDD, 2019 WL
 6 4934477, at *2 (S.D. Cal. Oct. 7, 2019). “Ultimately, it is the responding party's obligation to
 7 address requests for production as required by Rule 34, consistent with the principle that
 8 “[r]esponding parties are best situated to evaluate the procedures, methodologies, and
 9 technologies appropriate for preserving and producing their own electronically stored
 10 information.” *Kinnee v. TEI Biosciences Inc.*, No. 22-CV-604-JLS-DDL, 2024 WL 4860792,
 11 at *1 (S.D. Cal. Nov. 21, 2024) (citing *NuVasive*, 2019 WL 4934477). “Utilizing ESI search
 12 terms “does not relieve [the] defendant of its independent obligation to determine the
 13 custodians most likely to possess responsive documents and use ‘reasonably diligence to
 14 look for them.” *Sonenberg v. RBC Cap. Markets, LLC*, No. 25CV1642-JAH (JAC), 2026 WL
 15 1603798, at *4 (S.D. Cal. June 4, 2026) (citing cases) (internal quotations and citations
 16 omitted).

17 Defendant is in the best position to know which individuals within the Chancellor’s
 18 office were likely involved in oversight or investigations at Chico State. Plaintiff has provided
 19 search terms, but Defendant has an independent obligation under Rule 34 to identify the
 20 likely custodians and search for responsive files.

21 **B. Defendant’s Position**

22 Plaintiff’s motion to compel a further response to RFP No. 103 should be denied. The
 23 request, as served, seeks “all communications” between the Chancellor’s Office and any
 24 representative of Chico State regarding Title IX and DHR investigations or oversight. That
 25 request is facially overbroad, not reasonably particularized, and disproportionate to the
 26 needs of this case. Discovery must be relevant to a claim or defense and proportional to the
 27 needs of the case. Fed. R. Civ. P. 26(b)(1). A Rule 34 request must also describe the doc-
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1 uments sought with reasonable particularity. Fed. R. Civ. P. 34(b)(1)(A). RFP No. 103 does
2 neither.

3 Plaintiff's motion also suffers from a threshold problem. Plaintiff served and moved
4 to compel a sweeping request for all communications about Title IX and DHR investigations
5 or oversight. During meet and confer, Plaintiff appeared to reframe the request as seeking
6 communications about implementation of the Cozen Report recommendations and, later,
7 communications concerning "deficiencies" in Chico State's Title IX and DHR process even
8 outside the Cozen context. Those are materially different scopes. A motion to compel under
9 Rule 37 addresses whether a party failed to produce documents "as requested under Rule
10 34." Fed. R. Civ. P. 37(a)(3)(B)(iv). Plaintiff cannot use the meet and confer process to
11 transform an overbroad request into a different, narrower, and still undefined request, then
12 ask the Court to compel production without identifying the precise scope to be ordered.

13 Even Plaintiff's later formulation remains improper. A request for all communications
14 criticizing or identifying deficiencies in Chico State's Title IX and DHR system is not tied to
15 Plaintiff, Dr. Orellana, the College of Agriculture, the University Farm, the Farm Director
16 search, Plaintiff's removal, Plaintiff's merit bonus, or any alleged decisionmaker or influ-
17 encer. Plaintiff's claims arise from discrete employment decisions and an alleged cat's paw
18 theory involving specific actors. They do not put every perceived shortcoming in Chico
19 State's Title IX and DHR system at issue. Other discrimination evidence must be evaluated
20 based on how closely it relates to the plaintiff's circumstances and theory of the case.
21 *Sprint/United Mgmt. Co. v. Mendelsohn*, 552 U.S. 379, 388 (2008). Generalized communi-
22 cations about institutional "deficiencies" do not satisfy that standard.

23 The custodian problem independently defeats the request. Plaintiff seeks communi-
24 cations between the Chancellor's Office and "any representative" of Chico State. The Chan-
25 cellor's Office employs hundreds of people, and "any representative of Chico State" is not
26 a custodian, mailbox, sender, recipient, department, or identifiable search population. De-
27 fendant repeatedly asked Plaintiff to identify custodians or mailboxes so Defendant could
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1 evaluate a reasonable search. Plaintiff declined and instead proposed search terms. Search
2 terms do not cure the absence of a defined custodial universe. Without custodians, date
3 limits, senders, recipients, or a specific subject tied to the claims, the request would require
4 Defendant to search an undefined institutional universe.

5 Plaintiff's reliance on ESI principles does not change the result. Defendant does not
6 contend Plaintiff must identify every possible custodian before seeking ESI. In an appropri-
7 ate case, a party may use interrogatories, Rule 30(b)(6) testimony, organizational discovery,
8 or targeted requests to identify relevant custodians and information systems. Plaintiff has
9 not done so despite discovery having been open for over two years.

10 Now, up against a discovery deadline, Plaintiff demands Defendant do her work for
11 her by identifying witnesses relevant to Plaintiff's new theories based on an overbroad dis-
12 covery request which pertains to communications irrelevant to her lawsuit. That does not
13 satisfy Plaintiff's threshold obligation to serve a Rule 34 request that describes the docu-
14 ments sought with reasonable particularity. If Plaintiff wanted to discover the identities of
15 witnesses pertaining to topics she believes is relevant, she could have served discovery to
16 that effect at any point in the last two years. To have Defendant now identify those witnesses
17 for Plaintiff as a part of a request for production is inappropriate and unduly burdensome.

18 Finally, communications about the Cozen Report are not relevant to this litigation for
19 the same reasons the underlying files reviewed by Cozen are not relevant. Plaintiff's attempt
20 to use Cozen communications as a discovery hook depends on the same misleading con-
21 fflation of the Systemwide Report and the Chico State Report. Plaintiff cites systemwide
22 findings to suggest that Chico State had particular problems with accountability or shifting
23 the burden to complainants, but the Chico State Report did not identify those issues as
24 campus-specific findings. Thus, even if communications about implementation of Chico
25 State-specific Cozen recommendations could be relevant in some circumstances, Plaintiff
26 has not shown that the broad category she seeks is tied to any Chico State finding that
27 relates to Plaintiff's claims. Plaintiff should not be permitted to compel broad Chancellor's
28

1 Office communications about Title IX and DHR “deficiencies” based on findings Cozen did
2 not make about Chico State.

3 Plaintiff’s reliance on the Chico State Report’s discussion of formal investigations
4 also does not justify the sweeping communications sought by RFP No. 103. The Report did
5 not find that Chico State’s investigation rate was deficient or that complaints were improperly
6 withheld from EODR. Its observation concerned outcomes after matters had already
7 reached EODR, while Plaintiff’s theory concerns whether identified administrators should
8 have referred her particular statements to that office. Evidence bearing on that theory con-
9 sists of Plaintiff’s communications, the individuals who received them, their reporting obli-
10 gations, and their responses. It does not justify production of every communication between
11 the Chancellor’s Office and Chico State concerning Title IX or DHR investigations, over-
12 sight, institutional processes, or unrelated complainants.

13 The communications Plaintiff seeks are also too attenuated from the claims and de-
14 fenses. As discussed above, the Chico State Report was not focused on race discrimination
15 and did not examine the employment decisions at issue in this case. Rather, it addressed
16 Title IX and DHR infrastructure and institutional process issues and focused largely on sex-
17 ual harassment and sexual assault matters not relevant to Plaintiff’s lawsuit. Plaintiff also
18 never filed a DHR complaint during her employment, making generalized communications
19 about how Chico State processed other DHR or Title IX matters even more attenuated. The
20 mere fact that a communication concerns Cozen, Title IX, DHR, or institutional “deficiencies”
21 does not establish relevance or proportionality under Rule 26(b)(1).

22
23 Dated: July 14, 2026

Respectfully submitted,

KING & SIEGEL LLP

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26 By: /s/ Andrea Obando
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1 Dated: July 14, 2026

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3 By: /s/ David Norton
4 [as authorized on July 14, 2026]
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