

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**JASON GUAJARDO, individually and on
behalf of all others similarly situated,
*Plaintiff,***

v.

**BIRD ELECTRIC ENTERPRISES, LLC,
*Defendant.***

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No. MO:18-CV-025-DC-RCG

ORDER GRANTING IN PART PLAINTIFF’S MOTION TO COMPEL DISCOVERY

BEFORE THE COURT is Plaintiff Jason Guajardo’s (Plaintiff) Motion to Compel Discovery, filed on March 14, 2019. (Doc. 56). Defendant Bird Electric Enterprises (Defendant) filed a response to the motion on March 21, 2019. (Doc. 57). Plaintiff then filed a reply on March 26, 2019. (Doc. 58). This case is before the undersigned through an Order pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges. (Doc. 35). On June 12, 2019, the Court held a hearing on several motions, including the instant Motion to Compel Discovery. (Doc. 68). During the hearing, the Court made an oral ruling **GRANTING IN PART** Plaintiff’s Motion to Compel Discovery. (Doc. 56). In accordance with the oral ruling, the following is ordered:

Plaintiff’s Motion to Compel Discovery is **GRANTED IN PART** with regard to the invoices between Defendant and its customers requested by Plaintiff in Requests for Production 35 and 57. (Doc. 56). Accordingly, Defendant is **ORDERED** to produce these invoices to Plaintiff on or before **July 22, 2019**. Additionally, and as discussed and ordered at the hearing, Defendant is **ORDERED** to produce, on or before **July 8, 2019**, any and all GPS information, coordinates, or data compiled from the Defendant’s trucks that Plaintiff and opt-in plaintiffs operated on the job during the relevant time frame.

Plaintiff's Motion to Compel Discovery is **GRANTED IN PART** with regard to the master service agreements between Defendant and its customers requested by Plaintiff in Request for Production 59. (Doc. 56). Defendant is **ORDERED** to produce *only* the Master Service Agreement between Defendant and Pioneer Natural Resources.

Lastly, Plaintiff's Motion to Compel Discovery is **GRANTED IN PART** with regard to the various communications Plaintiff seeks in Requests for Production 14, 77, 79, 80, 82, 83, and 85. (Doc. 56). Plaintiff is **ORDERED** to submit search terms to Defendant by **July 8, 2019**. The scope of the search and custodians shall not extend beyond communications between Plaintiff, opt-in plaintiffs, and their supervisors or managers. In turn, Defendant will conduct searches with the uncontested search terms. To the extent necessary, any and all documents produced in response shall be subject to the Protective Order entered in this case on August 27, 2018. (Doc. 29).

It is so **ORDERED**.

SIGNED this 14th day of June, 2019.



RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE