

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

ANIMAL LEGAL DEFENSE FUND,)	
Plaintiff)	
)	Case No. 2016 CA 004744 B
v.)	
)	Judge Neal E. Kravitz
HORMEL FOODS CORPORATION,)	
Defendant)	

ORDER GRANTING PLAINTIFF’S MOTION TO COMPEL DISCOVERY

The plaintiff has filed a motion to compel discovery from the defendant. The plaintiff contends that the defendant has improperly refused to produce responsive documents reflecting (1) the defendant’s written policies, standards, and procedures regarding animal husbandry practices typically associated with factory farming; (2) the defendant’s actual practices regarding the slaughter of animals used for its “natural” products; and (3) the defendant’s compliance with federal laws regarding slaughter. In particular, the plaintiff contends that the defendant has failed to produce documents responsive to the plaintiff’s Document Request Nos. 15-18, 21-25, and 29 – all of which, the plaintiff argues, are relevant (and not disproportionate) to its District of Columbia Consumer Protection Procedures Act claims based on the defendant’s misleading advertising and/or to the defendant’s defenses grounded on its alleged compliance with federal law. In a supplement to its motion, the plaintiff has informed the court that the defendant has now interposed analogous objections to the plaintiff’s other written discovery requests and to the scope of the plaintiff’s deposition(s) of the defendant’s corporate designee(s). The plaintiff does not seek an award of attorney’s fees at this time.

The defendant has filed an opposition to the motion. The defendant argues that the plaintiff’s requests regarding the defendant’s animal husbandry practices exceed the scope of the allegations set forth in the complaint and that documents related to prior violations of federal law

are irrelevant. The defendant argues further that production of the documents demanded by the plaintiff would be unduly burdensome.

The plaintiff has filed a reply.

Discussion

The court concludes that the motion should be granted. Having carefully considered the parties' arguments and the entire record of the case, the court is persuaded that all of the categories of documents sought by the plaintiff are relevant to the plaintiff's misleading advertising claims alleged in the complaint and/or to the defendant's affirmative defense of compliance with federal law. *See* Super. Ct. Civ. R. 26(b)(1) (generally allowing discovery "relevant to any party's claim or defense"). And although the defendant is correct that a recent amendment to Rule 26(b)(1) contains a proportionality requirement, the court declines to address the defendant's claim of undue burdensomeness at this time, since the defendant did not raise the issue in its meet-and-confer sessions with the plaintiff and the court believes the parties should do their best to agree to a relevance-burdensomeness balancing in the first instance.

Accordingly, it is this 30th day of January 2018

ORDERED that the motion is **granted**. It is further

ORDERED that has thirty days from the date of this order to produce:

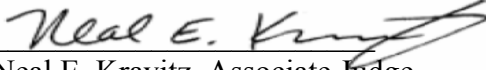
- All documents responsive to Document Request Nos. 15-18, 21-25, and 29 that reflect the defendant's use of gestation crates or similar confinement methods; the number and concentration of animals in the defendant's facilities; other conditions under which animals are kept, including housing requirements (such as pasture, barn, crate, cage, and environmental requirements) and hygiene and sanitation; the defendant's methods of euthanasia, including thumping; the defendant's mutilation of animals, including tail docking, debeaking, snood removal, disbudding, and trimming toes; and the defendant's administration of pharmaceuticals, hormones, and chemicals;
- Documents sufficient to show the defendant's actual practices that allow conscious animals to travel down the slaughter line for any period of time, fecal matter to be present in the end product, or non-ambulatory animals to be slaughtered; and

- Documents sufficient to show the defendant's compliance or non-compliance with federal laws governing the slaughter of animals, including practices that allow conscious animals to travel down the slaughter line for any period of time, fecal matter to be present in the end product, or non-ambulatory animals to be slaughtered.

It is further

ORDERED that nothing in this order should be interpreted as precluding the defendant from seeking the plaintiff's informal agreement to a narrowing of the scope of the defendant's required production of documents on the ground of undue burdensomeness, with the expectation that the parties will negotiate in good faith over any claims of undue burdensomeness and come back to the court only in the event of a dispute they cannot resolve themselves. It is further

ORDERED that although this order does not formally resolve the defendant's objections to the plaintiff's other written discovery requests and deposition notices, the court expects its ruling on the relevance issues addressed in this order to guide the parties' good faith efforts to reach informal resolutions of any remaining disputes.


Neal E. Kravitz, Associate Judge
(Signed in Chambers)

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