

EXHIBIT E

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 BARBARA GRADY, individually and on
behalf of all others similarly situated,

12 Plaintiff,

13 vs.

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15 RCM TECHNOLOGIES, INC.,

16 Defendant.

Case No. 5:22-cv-00842-JLS-SHK

**NOTICE OF DEPOSITION WITH
DOCUMENT PRODUCTION PURSUANT
TO FED. R. CIV. PROC. RULE 30(b)(6)
AND RULE 34 TO DEFENDANT RCM
TECHNOLOGIES, INC.**

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25 **EXHIBIT**

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1 PLEASE TAKE NOTICE that beginning at 9:30 a.m. on May 17, 2024, Plaintiff will take the
2 deposition of one or more corporate officers, directors or other representatives of Defendant pursuant
3 to Rule 30(b)(6) of the Federal Rules of Civil Procedure and by agreement of the parties. As
4 previously agreed, the deposition will take place at the offices of Littler Mendelson P.C., 501 W
5 Broadway #900, San Diego, CA 92101, and shall continue after the specified date until completed.
6 The deposition will be taken by an officer authorized to administer oaths under the laws of the United
7 States, in accordance with Rule 28(a) of the Federal Rules of Civil Procedure. The deposition shall
8 be recorded by stenographic and by audiovisual means, and will be conducted in accordance with
9 Rule 30(b) of the Federal Rules of Civil Procedure. The deposition will take place pursuant to Federal
10 Rule of Civil Procedure 30(b)(6), which requires that the defendant designate and produce one or
11 more officers, directors, or managing agents, or other persons who consent to testify on its behalf, as
12 to those matters described below as the subject of the deposition.

13 **DEFINITIONS**

- 14 1. "ALL" means each and every, regardless of location.
- 15 2. "AND/OR" shall be defined to include both "and" and "or" and shall always be read
16 to require the more inclusive response.
- 17 3. "ANY" includes and encompasses "ALL."
- 18 4. "CUSTOMER" means ANY hospital system, COVID-19 vaccination clinic, or other
19 health care provider with which RCM has contracted to provide staffing.
- 20 5. "COMMUNICATION" means an instance in which words or information are
21 transferred or transmitted between two or more PERSONS by whatever manner or means, and
22 regardless of how or by whom the COMMUNICATION was initiated, including, but not limited to,
23 email, text messaging, correspondence, conversation, instructions, meetings, requests, demands,
24 conferences, intraoffice messaging (e.g. Microsoft Teams or Slack), and via social networking sites
25 including but not limited to Facebook, Instagram, and Twitter.
- 26 6. "DATABASE" means ANY structured set of data held in ANY electronic format, or
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1 ANY system or software used to store, query, or analyze information.

2 7. "DOCUMENT" includes all documents, information, or things within the scope of
3 Fed. R. Civ. P. 34. The terms as used herein include, without limitation, ANY typewritten,
4 handwritten, graphic, photographic, printed or otherwise recorded matter or recording of symbols
5 in tangible form, however produced or reproduced, of every kind and regardless of where located,
6 which is in RCM's possession, custody, or control; or in the possession, custody or control of ANY
7 servant or agent of RCM or of RCM's attorneys. The terms include the following: electronically
8 recorded information such as electronic mail ("e-mail"), html files, databases, data processing cards
9 or tapes, computerized data, computer diskettes, or information otherwise contained on a
10 computer's hard drive, disks or backup tapes; video tapes, audio tapes, view-graphs, or ANY
11 information maintained on digital, electronic, magnetic or other media; and ANY other summary,
12 schedule, memorandum, note, statement, letter, telegram, interoffice COMMUNICATION, report,
13 diary, worksheet, list, graph, chart, or index, tape record, partial or complete report of telephone or
14 oral conversation, transcript or minutes, compilation, tabulation, study, analysis, or other such
15 writing or recording. The terms "DOCUMENT" and "DOCUMENTS" include ANY originals, all
16 file copies, all other copies, no matter how prepared, and all drafts prepared in connection with
17 such DOCUMENTS, whether or not used, as well as the file in which the DOCUMENTS are
18 maintained. A draft or non-identical copy of a DOCUMENT, including a copy or duplicate of a
19 DOCUMENT which has ANY nonconforming notes, marginal annotations or other markings, and
20 ANY preliminary version, draft, or revision of the foregoing, is a separate DOCUMENT within the
21 meaning of these terms.

22 8. "NURSE" means ANY individual who has been employed by RCM as a traveling
23 nurse or like hourly position in California at ANY time from October 8, 2017 to the present, and
24 who RCM placed in ANY medical center, medical system, hospital, COVID-19 vaccination clinic,
25 or other facility in California that is owned or operated by RCM or ANY of RCM's CUSTOMERS.

26 9. "PERSON(S)" means ANY natural PERSON or other legal entity, including without
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1 limitation ANY corporation, partnership, business, trust, agency, joint venture, or governmental
2 organization, department, or entity.

3 10. "PLAINTIFF" means Barbara Grady.

4 11. "STUDY" means ANY internal or external investigation, assessment, analysis, or
5 research, whether formal or informal.

6 12. "YOU" or "YOUR" means the witness(es) designated to appear for deposition on
7 behalf of RCM pursuant to Rule 30(b)(6).

8 13. "RCM" means and refers to Defendant RCM Technologies, Inc., and/or ANY
9 managers, directors, administrators, officers, executives, agents, contractors, fiduciaries,
10 employees, or other representatives of RCM Technologies, Inc.

11 **MATTERS FOR EXAMINATION**

12 The deponent designees shall be competent to testify on the following topics as they pertain
13 to the time period covering October 8, 2017 to the present:

- 14 1. RCM's corporate management structure;
- 15 2. The job descriptions, job tasks and activities, and job responsibilities of NURSES;
- 16 3. The work schedules for NURSES;
- 17 4. RCM's staffing models and personnel policies, procedures, guidelines and practices
18 pertaining to how work is assigned to NURSES;
- 19 5. RCM's personnel policies, procedures, guidelines and practices pertaining to wages
20 and compensation for NURSES;
- 21 6. RCM's personnel policies, procedures, guidelines and practices pertaining to
22 approval and/or payment of overtime and/or double time to NURSES;
- 23 7. RCM's policies, procedures, guidelines and practices pertaining to meal and rest
24 periods for NURSES, including but not limited to waiver thereof, compensation for
25 meal and/or rest periods not provided;
- 26 8. RCM's policies, practices and procedures for placing AND/OR rotating NURSES in
27 or through medical facilities and other locations in California;
9. RCM's policies, practices, and procedures for monitoring, understanding, or keeping
track of the overtime hours worked AND/OR meal and rest periods provided to
NURSES in the workplace; and

10. RCM’s policies, practices, and procedures for auditing timecards and otherwise maintaining records of time worked, compensation paid and meal and/or rest periods provided to NURSES.

DOCUMENTS TO BE PRODUCED AT DEPOSITION

PLEASE TAKE FURTHER NOTICE that the deponent is also commanded to produce and permit inspection and copying of documents set forth below. The requests below are the same or substantially similar to the document requests attached to the Rule 30(b)(6) notice sent by Plaintiff to Defendant on March 14, 2024. These documents include any and all DOCUMENTS that conform to the descriptions provided in the requests and are:

- (a) maintained in the files of the deponent (including email, electronic files, and hard copy files);
- (b) maintained in the files of any staff member, secretary, administrative assistant or other administrative aid working for and/or with the deponent (including email, electronic files, and hard copy files);
- (c) maintained in any other files and/or storage locations within the possession or control of the deponent;
- (d) any other documents within the possession or subject to the control of the deponent and/or AMN’s officers, directors, managing agents or employees.

OBJECTIONS AND DOCUMENTS WITHHELD

1. If RCM objects to part of a Request for Production and refuse to answer that part, state RCM’s objection and answer the remaining portion of that Request. If RCM objects to the scope or time period of a Request for Production and refuse to answer for that scope or time period, state RCM’s objection, and answer the Request for the scope or time period RCM believes is appropriate.

2. With respect to ANY requested DOCUMENT which RCM refuses to produce in response to these Requests for Production, please state:

- a. the full identity of the DOCUMENT including:
 - i. date of the DOCUMENT;
 - ii. its title (if ANY);

1 advertisements.

2 **Request No. 5:**

3 ANY policies, practices, AND/OR procedures applicable to NURSES, including, but not
4 limited to employee manuals, handbooks, and other DOCUMENTS that concern policies,
5 guidelines, expectations AND/OR procedures for the work being performed by NURSES, the
6 recording of time spend on work activities by NURSES, meal AND/OR rest periods for NURSES,
7 setup and cleanup performed by NURSES at COVID-19 vaccination sites, mandatory temperature
8 checks AND/OR health screenings required of NURSES, AND/OR compensation for NURSES,
9 regardless of whether such DOCUMENTS are provided to the NURSES directly or indirectly
10 through supervisors, managers, or otherwise.

11 **Request No. 6:**

12 ANY staffing models, policies, procedures AND/OR practices for distributing work to and
13 among NURSES.

14 **Request No. 7:**

15 ANY staffing models, policies, procedures AND/OR practices for determining the length of
16 shifts worked by NURSES.

17 **Request No. 8:**

18 ANY policies, practices, AND/OR procedures for determining the volume of patients
19 AND/OR work to assign NURSES on a shift-by-shift basis.

20 **Request No. 9:**

21 ANY investigation, questionnaire, STUDY, analysis or other DOCUMENT addressing
22 whether and the extent to which NURSES complete their assigned tasks within the time allotted in
23 their shifts.

24 **Request No. 10:**

25 ANY policies, practices AND/OR procedures for recording time worked by NURSES.

26 **Request No. 11:**

1 ANY policies, practices AND/OR procedures regarding how managers AND/OR supervisors
2 input, track, review, AND/OR edit the recording of time worked by TRAVELING NURSES.

3 **Request No. 12:**

4 ANY policies, practices, guidelines AND/OR procedures for conducting patient handoffs in
5 ANY of the locations in California in which RCM's NURSES work, regardless of whether such
6 DOCUMENTS are provided to the NURSES directly or indirectly through supervisors, managers,
7 or otherwise.

8 **Request No. 13:**

9 ANY policies, practices, guidelines AND/OR procedures for charting with respect to patients
10 seen by RCM's NURSES in ANY location in California, regardless of whether such
11 DOCUMENTS are provided to the NURSES directly or indirectly through supervisors, managers,
12 or otherwise.

13 **Request No. 14:**

14 ANY schedules, assignment sheets, policies, guidelines, procedures or other DOCUMENTS
15 indicating the extent to which the shifts of NURSES overlap.

16 **Request No. 15:**

17 ANY time studies, surveys, questionnaires, or other DOCUMENTS that RCM has conducted,
18 commissioned, considered or obtained (whether or not RCM has conducted, commissioned, or
19 considered them), which address the length of time it takes to perform one or more of the work
20 tasks that NURSES perform, regardless of whether the study, survey, questionnaire or other
21 DOCUMENT applies specifically to RCM's NURSES or other individuals who perform similar or
22 comparable work.

23 **Request No. 16:**

24 ANY policies or procedures that address whether, how AND/OR when RCM's NURSES may
25 request overtime or double time pay.

26 **Request No. 17:**

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1 ANY statistics, data AND/OR COMMUNICATIONS RCM has (including but not limited to
2 COMMUNICATIONS through email and other electronic media) addressing the extent to which
3 NURSES request AND/OR receive overtime AND/OR double time pay.

4 **Request No. 18:**

5 ANY statistics, data AND/OR COMMUNICATIONS RCM has (including but not limited to
6 COMMUNICATIONS through email and other electronic media) addressing the extent to which
7 NURSES request AND/OR receive overtime AND/OR double time pay for overtime or double time
8 work that is not scheduled in advance.

9 **Request No. 19:**

10 ANY policies, practices AND/OR procedures regarding the provision of meal periods to
11 NURSES, including, but not limited to their timing, duration, and to what extent they are off-duty,
12 regardless of whether such DOCUMENTS are provided to the NURSES directly or indirectly
13 through supervisors, managers, or otherwise.

14 **Request No. 20:**

15 ANY policies, practices AND/OR procedures for recording meal periods provided to
16 AND/OR taken by NURSES, regardless of whether such DOCUMENTS are provided to the
17 NURSES directly or indirectly through supervisors, managers, or otherwise.

18 **Request No. 21:**

19 ANY records or DATABASE showing the extent to which meal periods have been provided
20 to NURSES in California at ANY time from October 8, 2017 to present.

21 **Request No. 22:**

22 ANY policies, practices AND/OR procedures regarding the provision of rest breaks to
23 NURSES, including, but not limited to their timing, duration, and to what extent they are on-duty or
24 off-duty, regardless of whether such DOCUMENTS are provided directly or indirectly to the
25 NURSES through supervisors, managers, or otherwise.

26 **Request No. 23:**

1 ANY policies, practices AND/OR procedures concerning the compensation of NURSES for
2 working through AND/OR remaining on duty during a meal AND/OR rest period, regardless of
3 whether such DOCUMENTS are provided to the NURSES directly or indirectly through
4 supervisors, managers, or otherwise.

5 **Request No. 24:**

6 ANY DATA, records, or other COMMUNICATIONS indicating or addressing the extent to
7 which additional compensation has been paid to NURSES for working through, remaining on duty
8 AND/OR otherwise missing a meal or rest period.

9 **Request No. 25:**

10 ANY materials used in connection with the orientation AND/OR subsequent training of
11 NURSES, whether or not actually provided to the NURSES themselves, including but not limited to
12 handbooks, manuals, PowerPoint presentations, videos, DVDs, and other materials, in whatever
13 media.

14 **Request No. 26:**

15 ANY DOCUMENTS consisting of AND/OR pertaining to ANY formal AND/OR informal
16 complaints, investigations, AND/OR questions concerning the denial or possible denial of overtime
17 AND/OR double time payment to NURSES.

18 **Request No. 27:**

19 ANY DOCUMENTS consisting of AND/OR pertaining to ANY formal AND/OR informal
20 complaints, investigations, AND/OR questions concerning the denial or possible denial of rest
21 breaks AND/OR meal periods to NURSES.

22 **Request No. 28:**

23 ANY policies, practices, AND/OR procedures for compensating NURSES for time worked,
24 including DOCUMENTS indicating how RCM calculates the regular rate of pay.

25 **Request No. 29:**

26 ANY policies, practices AND/OR procedures for determining or defining the activities
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1 performed by NURSES that are compensable and those that are not compensable.

2 **Request No. 30:**

3 ANY policies, practices AND/OR procedures for determining the hourly rates paid to
4 NURSES for performing ANY of the various work activities RCM suffers and permits them to
5 perform, including, but not limited to charting, patient handoffs, huddles, mandatory temperature
6 checks, health screenings, setup and cleanup of COVID-19 vaccination sites, or other meetings.

7 **Request No. 31:**

8 ANY policies, practices, guidelines AND/OR procedures for charting with respect to patients
9 seen by RCM's NURSES in ANY location in California, regardless of whether such
10 DOCUMENTS are provided to the NURSES directly or indirectly through supervisors, managers,
11 or otherwise.

12 **Request No. 32:**

13 ANY policies, practices AND/OR procedures regarding mandatory temperature checks
14 AND/OR health screenings required of NURSES, including, but not limited to their timing,
15 duration, and to what extent such time is recorded and compensated, regardless of whether such
16 DOCUMENTS are provided to the NURSES directly or indirectly through supervisors, managers,
17 or otherwise.

18 **Request No. 33:**

19 ANY policies, practices AND/OR procedures regarding the setup AND/OR cleanup of
20 supplies and equipment performed by NURSES at COVID-19 vaccination sites, including, but not
21 limited to the time spent on such tasks and to what extent such time is recorded and compensated,
22 regardless of whether such DOCUMENTS are provided to the NURSES directly or indirectly
23 through supervisors, managers, or otherwise.

24 **Request No. 34:**

25 ANY staffing models and ANY other policies, practices AND/OR procedures for ensuring
26 adequate staffing, such that NURSES may be relieved by other nurses during their meal periods
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1 AND/OR rest breaks.

2 **Request No. 35:**

3 ANY policies, practices AND/OR procedures for itemizing wage statements for NURSES,
4 including how information is collected, compiled, and input into wage statements.

5 **Request No. 36:**

6 ANY policies, practices, guidelines, procedures AND/OR COMMUNICATIONS that address
7 the scheduling or non-scheduling of overtime AND/OR double time work for NURSES, regardless
8 of whether such DOCUMENTS are provided to the NURSES directly or indirectly through
9 supervisors, managers, or otherwise.

10 **Request No. 37:**

11 ANY DOCUMENTS concerning the policies and procedures for scheduling, requesting
12 AND/OR approving overtime AND/OR double time wages that do not apply to NURSES, but
13 which nonetheless apply to other nurses who work in one or more of the medical centers, medical
14 facilities, medical systems or hospitals where the NURSES work.

15 **Request No. 38:**

16 ANY DOCUMENTS that support AND/OR that RCM intends to present in support of ANY
17 affirmative defenses AND/OR other defenses to Plaintiffs' claims RCM asserts in this case.

18 **Request No. 39:**

19 RCM's policies, procedures, guidelines AND/OR practices for the retention, preservation, or
20 destruction of DOCUMENTS and data, including, without limitation, all policies applicable to
21 electronic files and records, any changes in such policies, and any litigation hold(s) issued in this
22 case.

23 **Request No. 40:**

24 A corporate glossary, dictionary, or other list of terms AND/OR acronyms RCM AND/OR
25 NURSES use in the performance of the NURSES' duties.

26 **Request No. 41:**

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1 ALL statements, questionnaires, declarations AND/OR affidavits that RCM has obtained
2 from ANY PERSON or entity with respect to this litigation.

3 **Request No. 42:**

4 ALL DOCUMENTS obtained by RCM through subpoenas issued in this case.

5 **Request No. 43:**

6 ALL DOCUMENTS regarding ANY insurance policies held by RCM that would cover any
7 potential settlement or judgment reached in this matter.

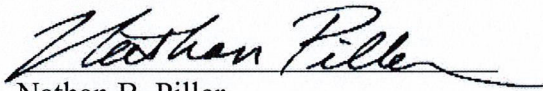
8 **Request No. 44:**

9 ALL DOCUMENTS regarding ANY insurance policies held by RCM that would cover ANY
10 potential settlement or judgment reached in this matter.

11 Respectfully submitted,

12 Dated: April 25, 2024

13
14 SCHNEIDER WALLACE
15 COTTRELL KONECKY WOTKYNS LLP

16 By: 
17 Nathan B. Piller
18 Attorney for Plaintiffs