

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANUEL TIJERINO,

Plaintiff,

v.

SPOTIFY USA INC.,

Defendant.

Civil Action No.

2:24-cv-02290-ILRL-DPC

SECTION “B” (3)

Judge Ivan L.R. Lemelle

Magistrate Judge Donna Phillips Currault

**SPOTIFY’S MOTION TO QUASH PLAINTIFF’S RULE 30(b)(6) DEPOSITION
NOTICE AND FOR A PROTECTIVE ORDER**

NOW INTO COURT, through undersigned counsel, comes Defendant Spotify USA Inc. (“Spotify”), who respectfully moves this Honorable Court to quash the Rule 30(b)(6) deposition notice served by Plaintiff Manuel Tijerino on July 21, 2025, to reset the deposition for a mutually convenient date on or after August 15, 2025, and to limit its scope strictly to the topics authorized by this Court’s June 25, 2025 Order. *See* Rec. Doc. 76. As set forth more fully in the accompanying memorandum, Plaintiff’s deposition notice is deficient both as to notice and scope: it provides only six business days’ notice for a 30(b)(6) deposition and, in flagrant disregard of this Court’s explicit limitations, seeks testimony on numerous topics grossly exceeding the narrow venue-related discovery permitted by prior order.

Spotify has acted with diligence and good faith in attempting to coordinate a reasonable schedule and repeatedly offered alternative deposition dates. In contrast, Plaintiff has persisted in demanding a precipitous proceeding and, by serving overbroad discovery topics, has demonstrated ongoing disregard for this Court’s directives. As a result, Spotify has been forced to incur substantial expense responding to improper, burdensome, and procedurally defective requests.

Spotify further requests that it be awarded its reasonable attorneys' fees and costs incurred in bringing this motion given Plaintiff's continued noncompliance. Spotify also seeks expedited consideration of this motion as necessary to prevent further prejudice and unnecessary expense.

RULE 26(c)(1) CERTIFICATE

Pursuant to Federal Rule of Civil Procedure 26(c)(1), undersigned counsel certifies that Spotify, through its attorneys, made multiple good-faith efforts to confer with Plaintiff Manuel Tijerino regarding the issues raised in Spotify's Motion to Quash Plaintiff's Rule 30(b)(6) Deposition Notice and for Protective Order. As reflected in the email correspondence attached as Exhibits C and D, Spotify promptly informed Plaintiff that it could not be available for the deposition on July 30, 2025, proposed multiple alternative dates (August 13, 14, and 15), and further acquiesced to Plaintiff's request for a remote deposition. Despite these efforts and assurances that any of the proposed dates would allow for timely completion of the transcript under the Court's schedule, Plaintiff declined to consider any alternative and continued to insist on the July 30 date. In light of these time constraints, with the deposition currently set for tomorrow and Plaintiff's refusal to consider any reasonable alternative, Spotify has made every conferral effort reasonably possible under the circumstances. These attempts to resolve the dispute without court intervention were unsuccessful, thereby necessitating the filing of this Motion.

WHEREFORE, Defendant Spotify USA Inc. respectfully prays that this Court (1) quash Plaintiff's Rule 30(b)(6) deposition notice; (2) enter a protective order resetting the deposition to a date on or after August 15, 2025 and strictly limiting its scope in accordance with this Court's June 25, 2025 Order; (3) award Spotify its reasonable attorneys' fees and costs incurred in connection with this motion; and (4) grant all such further relief as the Court deems just and proper.

DATED: July 29, 2025

Respectfully submitted,

/s/ David L. Patrón

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Attorneys for Defendant Spotify USA Inc.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29th day of July, 2025 served a copy of the foregoing on counsel for all parties to this proceeding via e-mail, and on Tijerino via certified U.S. mail and e-mail.

/s/ David L. Patrón

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANUEL TIJERINO, Plaintiff, v. SPOTIFY USA INC., Defendant.	Civil Action No. 2:24-cv-02290-ILRL-DPC SECTION “B” (3) Judge Ivan L.R. Lemelle Magistrate Judge Donna Phillips Currault
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NOTICE OF SUBMISSION

PLEASE TAKE NOTICE that Defendant Spotify USA Inc. (“Spotify”) will bring for submission its Motion to Quash Plaintiff’s Rule 30(b)(6) Deposition Notice and For a Protective Order before the Honorable Ivan L.R. Lemelle, United States District Court Judge, Eastern District of Louisiana, 500 Poydras Street, New Orleans, Louisiana 70130, on the 20th day of August, 2025.

DATED: July 29, 2025

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

/s/ David L. Patrón

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Attorneys for Defendant Spotify USA Inc.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29th day of July, 2025 served a copy of the foregoing on counsel for all parties to this proceeding via e-mail, and on Tijerino via certified U.S. mail and e-mail.

/s/ David L. Patrón

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANUEL TIJERINO, Plaintiff, v. SPOTIFY USA INC., Defendant.	Civil Action No. 2:24-cv-02290-ILRL-DPC SECTION “B” (3) Judge Ivan L.R. Lemelle Magistrate Judge Donna Phillips Currault
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**SPOTIFY’S MEMORANDUM IN SUPPORT OF ITS MOTION TO QUASH
PLAINTIFF’S RULE 30(b)(6) DEPOSITION NOTICE AND FOR A PROTECTIVE
ORDER**

Defendant Spotify USA Inc. (“Spotify”) respectfully submits this memorandum in support of its motion to quash the Rule 30(b)(6) deposition notice served by Plaintiff Manuel Tijerino on July 21, 2025 and for a protective order resetting the deposition to August 15, 2025, and limiting its scope to the topics authorized by this Court’s June 25, 2025 order (the “Order”). *See* Rec. Doc. 76. Given Plaintiff’s ongoing disregard for this Court’s directives and the resulting unnecessary expense forced upon Spotify, Spotify requests an award of its reasonable fees and costs incurred in connection with this motion. Spotify concurrently seeks expedited consideration of this motion.

I. RELEVANT BACKGROUND

On June 24, 2025, this Court held oral arguments where the parties discussed whether the Eastern District of Louisiana was the proper venue for the instant matter. Rec. Doc. 75. That hearing resulted in an Order from this Court in which Tijerino was ordered to “give notice for deposition on the venue matter pursuant to the Federal Rules of Civil Procedure [30 or 31],” allowing Tijerino limited venue discovery by either 1) oral depositions or 2) written depositions.

Rec. Doc. 76. The Court ordered the deposition to be limited in scope, relative to the conditions of employment for Spotify's Louisiana employees. *Id.*

Instead of serving a deposition notice pursuant to Rule 30 or 31, Mr. Tijerino improperly served twenty-five additional requests for admission on June 25, 2025. Rec. Doc. 77-1; Rec. Doc. 83 at 2. Plaintiff then filed a "combined motion to enforce DKT. 76, object to DKT. 79, and deem requests for admission admitted under Rule 36(a)(3)" on July 16, 2025. Rec. Doc. 80. The Court denied Plaintiff's motion and explained to him that his Request for Admission were improper. Rec. Doc. 83.

On July 21, 2025, at 4:14 p.m., while Spotify was preparing its response to Mr. Tijerino's "combined" motions, Tijerino served a Rule 30(b)(6) notice unilaterally scheduling Spotify's corporate deposition for July 30, 2025—only six business days later—to be held via video conference.¹ Despite the Court's preference for an in-person deposition,² Spotify's counsel agreed to accommodate Plaintiff's request for a virtual deposition.³

However, Spotify's counsel could not agree to the date requested by Plaintiff because it provides insufficient time for Spotify to prepare a corporate designee to testify on the relevant 30(b)(6) topics and because Spotify's lead counsel is unavailable on July 30. Spotify's ability to prepare its designee has further been frustrated by the need to respond to Tijerino's numerous discovery requests that exceeded the Court's Order and meritless motion to deem requests for admission admitted. Spotify therefore informed Tijerino that it would be unavailable for his requested date and proposed an alternative date of August 15.⁴ *See* Rec. Doc. 83.

¹ *See* Exhibit A, Plaintiff's Email to Spotify Counsel Transmitting Notice of Deposition.

² *See* Exhibit B, 6/24/25 Hearing Transcript, at p. 53:1-7.

³ *See* Exhibit C, Spotify's Response and Follow-up Emails to Plaintiff.

⁴ *Id.*

Additionally, Spotify responded with written objections to Plaintiff's notice as it contained a litany of deposition topics well beyond the scope of this Court's Order. Despite the Court's explicit limitation that venue discovery be confined to "the conditions of employment for Spotify's Louisiana employees" and "whether that employment restricts them to work within this District," Plaintiff's Rule 30(b)(6) notice sets forth fourteen deposition topics that sweep far beyond this narrow scope. *See* Rec. Doc. 76. Plaintiff's topics seek testimony regarding internal HR platforms, onboarding policies, business strategies, and various redacted documents, among others—subjects that are irrelevant to the single venue issue expressly reserved for discovery. Spotify accordingly objected to each such topic as outside the scope authorized by this Court.

Tijerino rejected Spotify's alternative deposition dates and demanded the deposition move forward on July 30 because transcripts would not be available in time "for post-deposition briefing or meaningful Court review."⁵ Spotify's counsel responded proposing yet another alternative date, August 14. After receiving no response, Spotify's counsel again wrote to Plaintiff, this time proposing three alternative dates (August 13, 14, or 15), noting the Court's decision that there will be no "post deposition briefing,"⁶ and assuring Plaintiff that the deposition transcript would be available in time to meet the Court's deadline.⁷ On July 29 at 4:28 PM, Plaintiff responded that he will not accommodate any other dates for the deposition.⁸ At 5:45 PM, Spotify's counsel explained that Mr. Tijerino's unilateral demand would result in unnecessarily burdening the Court with the present motion.⁹

⁵ *Id.*

⁶ *See* Exhibit B, 6/24/25 Hearing Transcript, at p. 63.

⁷ *See* Exhibit C, Spotify's Response and Follow-up Emails to Plaintiff.

⁸ *See* Exhibit D, Tijerino's July 29 Email and Spotify Counsel's Response.

⁹ *See id.*

In light of the unreasonable notice and Plaintiff's disregard for the Court's Order restricting the scope of permissible inquiry, the relief requested herein is warranted.

II. LAW AND ARGUMENT

A. Legal Standard

Rule 26(b)(1) provides that "[p]arties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). But discovery does have "ultimate and necessary boundaries." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978) (quoting *Hickman v. Taylor*, 329 U.S. 495, 507 (1947)).

Under Rule 26(b)(2)(c), discovery may be limited if: (1) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from another, more convenient, less burdensome, or less expensive source; (2) the party seeking discovery has had ample opportunity to obtain the information sought; or (3) the burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(c). In assessing whether the burden of the discovery outweighs the benefit, a court must account for: (1) the needs of the case; (2) the amount in controversy; (3) the parties' resources; (4) the importance of the issues at stake in the litigation; and (5) the importance of the proposed discovery in resolving the issues. *Id.* Accordingly, the court may quash a deposition notice or subpoena under its general power to limit discovery. *See* Fed. R. Civ. P. 26(b)(2), (c); *see also Gulf Prod. Co. v. Hoover Oilfield Supply, Inc.*, No. CIV.A. 08-5016, 2011 WL 891027 (E.D. La. Mar. 11, 2011).

B. Plaintiff's Demand for a July 30 Deposition is Unreasonable and Prejudicial

Tijerino's Rule 30(b)(6) notice is unreasonable. Federal Rule of Civil Procedure 30(b)(1) requires "reasonable written notice" to parties before a deposition. *See* Fed. R. Civ. P. 30(b)(1). "While Rule 30(b)(1) does not define 'reasonable written notice,' courts within the Fifth Circuit

have held that at least ten days is normally required.” *Duhaly v. Cincinnati Ins. Co.*, 2019 WL 3202307, at *1 (S.D. Tex. July 16, 2019); *see, e.g., Keybank Nat’l Ass’n v. Perkins Rowe Assocs., LLC*, No. 09-cv-497, 2010 WL 1252328, at *3 (M.D. La. Mar. 24, 2010) (notices “served on February 8 for depositions to be taken on February 11-15” were not reasonable notice); *Tradewinds Envtl. Restoration, Inc. v. St. Tammany Park, LLC*, No. 06-cv-593, 2008 WL 449972, at *2 (E.D. La. Feb 14, 2008) (the court previously held that four business days is not “reasonable written notice” (citing *Auto Club Family Ins. v. Provosty*, No. 05-cv-6482, 2006 WL 2568054, at *2 (E.D. La. Sept. 5, 2006))); *see also Richardson v. BNSF Ry. Co.*, No. 13-cv-5415, 2014 WL 5317866, at *1 (E.D. La. Oct. 16, 2014) (“Although the reasonableness of a particular deposition notice is evaluated according to its particular circumstances, the Federal Rules of Civil Procedure indicate that anything less than 14 days will be deemed ‘short notice.’”).

This is particularly true in the context of a 30(b)(6) deposition, where the designee must be educated on multiple subjects in a complex, multi-jurisdictional business. Spotify must identify a knowledgeable employee to serve as a witness, arrange consultations with several other employees in different business units, gather and review underlying documents, and then synthesize this information to prepare for the deposition—all tasks that demand more than six business days. Moreover, Spotify’s lead counsel is unavailable on preplanned summer travel the week of July 30. Spotify has nevertheless offered three alternative dates and has accommodated Tijerino’s request for a remote Zoom format to avoid travel. Mr. Tijerino has not offered a single alternative date.

Tijerino’s only rationale for insisting on a July 30 deposition does not withstand scrutiny. Tijerino contends that the July 30 date is necessary because transcripts would not be available in time “for post-deposition briefing or meaningful Court review.” It is unclear what “post-deposition

briefing” Tijerino is referring to, as the Court explained that there would be no further briefing unless requested.¹⁰ As for Court review, Spotify has confirmed with Tijerino’s court reporter and informed Tijerino that an August 15 deposition leaves more than enough time to receive and submit a final transcript by the Court’s August 25 deadline.

At bottom, Tijerino’s insistence on a July 30 deposition serves no purpose other than to advance what has become a pattern of vexatious conduct. Spotify therefore requests that the Court reset the deposition to August 15, 2025.

C. Plaintiff’s Noticed Deposition Topics Go Well Beyond this Court’s Discovery Order

Where a court limits the scope of discovery, the parties are required to ensure that all discovery requests and related inquiries remain confined to the parameters set forth in the court’s order. *See e.g. Eureka Homestead Soc. v. Howard, Weil, Labouisse, Friedrichs, Inc.*, No. CIV. A. 94-0452 CC, 1995 WL 59531, at *2 (E.D. La. Feb. 14, 1995) (granting in part motion to quash 30(b)(6) notice because the notice went beyond previously imposed limits on discovery ordered by the court).

Tijerino’s Rule 30(b)(6) deposition notice exceeds the scope authorized by the Court’s Order. The Court made clear that discovery was limited to a narrow issue: “the conditions of employment for Spotify’s Louisiana employees” and “whether that employment restricts them to work within this District.” *See* Rec. Doc. 76. During the hearing, the Court repeatedly emphasized this limitation, instructing that only information concerning the requirement that Spotify employees stay in the Eastern District of Louisiana for their jobs would be discoverable.¹¹ Yet

¹⁰ *See* Exhibit B, 6/24/25 Hearing Transcript, at p. 63.

¹¹ *See* Exhibit B, 6/24/25 Hearing Transcript at pp. 53:1-7, 54:24-55:1, and 59:7-23. The Court specifically warned Plaintiff what would happen if he disregarded its Order: “We’re only talking about that one very fine question. So if you ask a bunch of questions that has no relationship to that matter, they’re going to object to it, and I might have to sustain that objection if they are correct.” *Id.* at 59:7-23.

Tijerino’s noticed topics went far beyond the Court’s permitted discovery—demanding testimony on the use of internal HR platforms, job duties, onboarding, business interests, independent contractors, and the redactions in unrelated documents, among other areas. Many of these topics are not only irrelevant to the venue inquiry but also invade privacy, implicate confidential business information, and generally fall outside the scope of what the Court authorized for this limited purpose.

By ignoring these plainly stated boundaries—and issuing a notice with fourteen broadly phrased topics, including catch-all and “including but not limited to” language—Plaintiff has disregarded the Court’s directive that the deposition be restricted to whether Spotify requires Louisiana-based employees to remain in the district as a condition of their employment. The sweeping nature of Plaintiff’s deposition notice, therefore, represents a clear overreach. *See e.g., Eureka Homestead Soc.*, 1995 WL 59531, at *2; *see also Chauvin v. United Parcel Serv., Inc.*, No. 23-cv-392, 2023 WL 4175100, at *8 (E.D. La. June 26, 2023) (“A topic that is phrased in terms of ‘including but not limited to’ or ‘from any source’ is improper and must be limited.”).

Finally, the combined relief sought—quashing the current notice and issuing a scope-limiting protective order—furthers the Federal Rules’ overarching goal of securing “the just, speedy, and inexpensive determination” of this action. *See Fed. R. Civ. P. 1. Requiring Spotify to appear on July 30 under an overbroad notice would guarantee follow-on motion practice over privilege disputes, incomplete answers, and requests for additional preparation time. Resetting the deposition to August 15, 2025, and clarifying permissible subject matter now will streamline discovery, conserve judicial resources, and ensure that the eventual testimony is both comprehensive and compliant.*

D. Spotify is Entitled to Fees Incurred in Filing this Motion

Five days ago, this Court warned Tijerino that “his pro se status does not immunize him from possible sanctions for noncompliance with court orders or rules of court.” *See* Rec. Doc. 83. Yet, his disregard of the Court’s clear directives and his vexatious conduct continues. Tijerino has forced Spotify to expend substantial resources responding not to proper venue discovery, but to procedurally defective filings and requests that go well beyond anything authorized by the Court. It is not the purpose of the discovery process, nor within the spirit of fair adjudication, to conscript an opposing party into this cycle of litigation-by-attribution. Under these circumstances, an award of Spotify’s reasonable fees and expenses is not only justified but essential to protect both the integrity of this Court’s orders and the orderly administration of justice.

III. CONCLUSION

For the foregoing reasons, Spotify respectfully requests that the Court grant its motion to quash Plaintiff’s Rule 30(b)(6) deposition notice, enter a protective order strictly limiting the deposition to the narrow scope permitted by this Court’s June 25, 2025 Order, and award Spotify its reasonable fees and expenses incurred in responding to Plaintiff’s continued disregard for the Court’s clear directives.

DATED: July 29, 2025

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

/s/ David L. Patrón

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Attorneys for Defendant Spotify USA Inc.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29th day of July, 2025 served a copy of the foregoing on counsel for all parties to this proceeding via e-mail, and on Tijerino via certified U.S. mail and e-mail.

/s/ David L. Patrón

Archived: Tuesday, July 29, 2025 4:34:29 PM

From: [Manuel Tijerino](#)

Sent: Monday, July 21, 2025 4:14:32 PM

To: kmooney@mofo.com [David Patron](#)

Cc: cprovine@mofo.com jdouglass@mofo.com [Lindsay Calhoun \(1315\)](#) [Mark Ackal \(1261\)](#) mofospotifytjerino@mofo.com

Subject: Plaintiff's Rule 30(b)(6) Deposition Notice to Spotify USA Inc. (Venue Discovery)

Importance: Normal

Sensitivity: None

Attachments:

[Plaintiff's Rule 30\(b\)\(6\) Notice of Deposition to Defendant Spotify USA Inc. \(Venue Discovery\).pdf](#) 

Dear Counsel,

Pursuant to Federal Rule of Civil Procedure 30(b)(6), please find attached Plaintiff's Notice of Deposition to Defendant Spotify USA Inc., scheduled for:

- *

Date: Wednesday, July 30, 2025

- *

Time: 10:00 a.m. Central

- *

Format: Zoom Videoconference

- *

Court Reporter: Arranged by Plaintiff

The deposition topics follow the Court's Order in Dkt. 76 concerning venue discovery. The Zoom link and appearance details will be provided by the Court Reporter shortly.

Please confirm receipt.

Respectfully,

Manuel Tijerino

Pro Se Plaintiff

Email: manueltijerino@hotmail.com

Phone: (515) 803-8907

Attachment: Plaintiff's Rule 30(b)(6) Notice of Deposition (Venue Discovery).pdf

EXHIBIT A

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MANUEL TIJERINO

Docket No. 24-CV-2290
Section "B"
New Orleans, Louisiana
Tuesday, June 24, 2025

v.

SPOTIFY USA, INC.

TRANSCRIPT OF MOTION PROCEEDINGS
HEARD BEFORE THE HONORABLE IVAN L.R. LEMELLE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by mechanical stenography, transcript
produced by computer.

14:21:38 1 THE COURT: All right. Here is what we're going to do
14:21:41 2 because I want to make this record clear. I am going to allow
14:21:45 3 discovery, limited discovery on the venue issue on that declaration
14:21:55 4 of your Spotify executive that it does not require the employee in
14:22:03 5 this district to maintain a residence in this district in order to
14:22:15 6 conduct Spotify's business. That can be done by written
14:22:20 7 interrogatory or it can be done by in-person depositions.

14:22:27 8 Mr. Tijerino, I am giving you the opportunity because
14:22:32 9 it's your burden to prove venue. But if I have some question, some
14:22:39 10 doubt on what the facts are, and given the Circuit's directive to
14:22:50 11 trial courts to give pro se plaintiffs like yourself level
14:22:58 12 opportunity in connection with your pleadings, I am allowing you to
14:23:05 13 conduct a deposition of their representative who gave their
14:23:08 14 declaration that they do not require employees in this district to
14:23:16 15 maintain a presence in this district. Do you understand that?

14:23:20 16 MR. TIJERINO: Yes, your Honor.

14:23:22 17 THE COURT: Do you understand what a deposition is?

14:23:24 18 MR. TIJERINO: It's when I ask them verbal questions,
14:23:27 19 your Honor?

14:23:27 20 THE COURT: You ask them verbal questions, they're under
14:23:31 21 oath, and then the opposing counsel is present who can then ask
14:23:36 22 questions after you, and just like we did here today, you would
14:23:40 23 have a chance to follow-up with any rebuttal or redirect questions.

14:23:46 24 You would be the proponent for the deposition. You would
14:23:52 25 have to give them what we call a written notice of deposition,

14:23:56 1 that's under the rule, Rule 30. You would have to have a
14:24:04 2 deposition -- and it can be done either way, it can be done orally
14:24:08 3 in person or even remotely, but I prefer this one to be done in
14:24:14 4 person. In fact, it should be done maybe today since everybody is
14:24:18 5 here, because I don't think it would be a long deposition.

14:24:21 6 But I am going to require, though, that in connection
14:24:23 7 with that deposition that whatever advertisement that's made to
14:24:35 8 recruit those employees or employees in this district showing the
14:24:42 9 conditions of that employment be made part of that deposition
14:24:47 10 record. So they're required to produce corroborative information
14:24:56 11 to that statement that employees are not required to work in this
14:25:02 12 district.

14:25:03 13 That can be the recruiting advertisements that say what
14:25:08 14 the conditions of employment is, it can be an actual agreement
14:25:12 15 between the employee and Spotify to show what the conditions of
14:25:16 16 their employment is. Any corroboration like that. That should be
14:25:25 17 given to you prior to the deposition.

14:25:28 18 MR. TIJERINO: Your Honor, I do have a question. In that
14:25:31 19 case that I cited in re: *Monolithic*, like I said, there was a lot
14:25:36 20 of cases that all refer back to *Cray* and every case is individually
14:25:42 21 different. The one that the defendant is citing, it's kind of
14:25:46 22 making it sound like it's a warehouse kind of thing, oh, you don't
14:25:49 23 have to store stuff and all that. But there have been cases --

14:25:51 24 THE COURT: We're not talking about storing of equipment.
14:25:54 25 We're talking about whether or not they require the employee to

14:25:57 1 work in the district. That's a simple question.

14:25:59 2 MR. TIJERINO: Yes, sir.

14:26:00 3 THE COURT: And what corroboration do they have for that
14:26:03 4 statement.

14:26:03 5 MR. TIJERINO: What I was going to say, your Honor, is
14:26:06 6 how is that relevant to venue because --

14:26:08 7 THE COURT: It is very relevant to venue under *Cray* if
14:26:11 8 you read *Cray* again --

14:26:12 9 MR. TIJERINO: But only in the case that he cited.

14:26:14 10 THE COURT: -- and also in cases interpreting *Cray*. It
14:26:17 11 is very relevant. Even if you disagree with me that it's relevant,
14:26:21 12 it is relevant.

14:26:22 13 MR. TIJERINO: I wasn't disagreeing, I was just saying
14:26:25 14 that in the case that I cited, that was just kind of like the icing
14:26:28 15 on the cake, you know --

14:26:28 16 THE COURT: There is no icing on the cake in this case, I
14:26:31 17 haven't seen any, from either one of you.

14:26:36 18 I am giving you that opportunity, Mr. Tijerino. You all
14:26:40 19 can work it out, but you're the proponent on that.

14:26:48 20 How much time do you think you need to prepare for that
14:26:50 21 deposition because -- well, let me first ask counsel for Spotify.
14:26:54 22 How much time do you think your client needs to provide the
14:26:58 23 corroborative information?

14:26:59 24 MR. MOONEY: Well, your Honor, I was wondering whether a
14:27:02 25 deposition is necessary or whether --

14:31:21 1 work in the district, exclusively within the district, or just they
14:31:26 2 don't require them to work in the district. Do you understand?

14:31:30 3 MR. TIJERINO: Yes, sir.

14:31:32 4 THE COURT: We're not talking about inventory, we're not
14:31:35 5 talking about --

14:31:36 6 MR. TIJERINO: I understand.

14:31:37 7 THE COURT: We're only talking about that one very fine
14:31:40 8 question. So if you ask a bunch of questions that has no
14:31:46 9 relationship to that matter, they're going to object to it, and I
14:31:50 10 might have to sustain that objection if they are correct. Do you
14:31:56 11 follow me?

14:31:56 12 MR. TIJERINO: Yes, sir.

14:31:57 13 THE COURT: All right. I am trying to simplify this as
14:32:00 14 best as I can.

14:32:00 15 MR. TIJERINO: Yes, your Honor. I was just asking
14:32:02 16 because when I read the declaration it was mostly about
14:32:06 17 regarding --

14:32:07 18 THE COURT: We're not talking about anything in the
14:32:09 19 declaration other than --

14:32:10 20 MR. TIJERINO: Other than --

14:32:11 21 THE COURT: -- do they require Spotify employees to work
14:32:14 22 just in this district.

14:32:16 23 MR. TIJERINO: Okay.

14:32:17 24 THE COURT: Because your opponent is saying that if it
14:32:21 25 doesn't require that, then Cray controls and venue may be granted,

14:36:46 1 been completed, what is it that your Honor would like to see?

14:36:50 2 THE COURT: I'd need to see the deposition.

14:36:52 3 MR. MOONEY: Okay. Would your Honor like any briefing,
14:36:54 4 five or seven pages each?

14:36:56 5 THE COURT: If I need it, you'll hear about it.

14:36:59 6 MR. MOONEY: Excellent.

14:37:00 7 THE COURT: Which I doubt. On that particular kind of
14:37:02 8 issue, that seems very simple. And that will all be part of the
14:37:06 9 record.

14:37:06 10 MR. MOONEY: Okay.

14:37:07 11 THE COURT: All right. Gentlemen and lady, good luck.

14:37:10 12 MR. MOONEY: Your Honor, if I may --

14:37:11 13 THE COURT: I am taking under advisement the 12(b)(6)
14:37:16 14 motion.

14:37:17 15 MR. MOONEY: Thank you, your Honor. One more quick issue
14:37:19 16 I'd like to raise.

14:37:20 17 Currently there is a case schedule that's in place.
14:37:25 18 There are two issues with that case schedule: No. 1, is that it's
14:37:30 19 moving along and we had expert reports, for example, due in a
14:37:33 20 couple of months, et cetera. I would request that we stay
14:37:40 21 discovery pending resolution of venue, which is, I think the proper
14:37:45 22 approach under cases you have seen, I can cite them to you. I know
14:37:49 23 that you dismissed a pending discovery stay motion --

14:37:52 24 THE COURT: I am not doing anything on this case until I
14:37:55 25 see the results of that deposition, but I am not preventing anyone

Archived: Tuesday, July 29, 2025 4:19:47 PM

From: [Mooney, Kyle W.](#)

Sent: Tue, 29 Jul 2025 16:08:51

To: [Manuel Tijerino](#) [Megan Thiberville \(1579\)](#)

Cc: [David Patron](#) [Lindsay Calhoun \(1315\)](#) [Mark Ackal \(1261\)](#) [Provine, Charles C.](#) [Douglass, John S.](#) [MoFo Spotify Tijerino](#)

Subject: RE: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

Importance: Normal

Sensitivity: None

Mr. Tijerino -

We have confirmed that we can make sure the corporate representative is prepared and available for deposition August 13, 14, or 15. We are also willing to accommodate your request for a remote deposition despite the Court expressing a preference that the deposition proceed in person.

Neither of the reasons for your rejecting a later date make sense. We have already confirmed with your deposition service that they can complete the final transcript in plenty of time to meet the August 25 deadline (and based on prior experience with them this is not an issue). The Court also told the parties that there will not be "post deposition briefing" so we do not understand why you are building that into the schedule.

Accordingly, please let us know by 5 pm which of these dates is best for you. We would very much like to avoid unnecessarily burdening the Court with wasteful motion practice.

Regards,

Kyle Mooney

Sent with BlackBerry Work

(www.blackberry.com)

From: Mooney, Kyle W. <KMooney@mofo.com>

Date: Monday, Jul 28, 2025 at 9:33 'a0PM

To: Manuel Tijerino <manueltijerino@hotmail.com>, Megan Thiberville (1579) <Megan.Thiberville@phelps.com>

Cc: David Patron <David.Patron@phelps.com>, Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>, Mark Ackal (1261) <Mark.Ackal@phelps.com>, Provine, Charles C. <CProvine@mofo.com>, Douglass, John S. <JDouglass@mofo.com>, MoFo Spotify Tijerino <MoFo-Spotify-Tijerino@mofo.com>

Subject: RE: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

Mr. Tijerino -

I believe you misunderstood our email. We are not available on July 30 and are not going forward on that date.

We can do August 15 and may be able to do August 14 if 15 does not work. We regularly work with Veritext and this leaves plenty of time to obtain a transcript by the August 25 deadline to file. That is not an issue. Please confirm this date as soon as possible as we are holding it for the deposition.

EXHIBIT C

Kyle

Sent with BlackBerry Work
(www.blackberry.com)

From: Manuel Tijerino <manueltijerino@hotmail.com>

Date: Monday, Jul 28, 2025 at 1:20 'a0PM

To: Megan Thiberville (1579) <Megan.Thiberville@phelps.com>

Cc: David Patron <David.Patron@phelps.com>, Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>, Mark Ackal (1261) <Mark.Ackal@phelps.com>, Mooney, Kyle W. <KMooney@mofo.com>, Provine, Charles C. <CProvine@mofo.com>, Douglass, John S. <JDouglass@mofo.com>, MoFo Spotify Tijerino <MoFo-Spotify-Tijerino@mofo.com>

Subject: Re: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

External Email

Dear Counsel,

After careful consideration, Plaintiff must respectfully decline Spotify's request to reschedule the Rule 30(b)(6) deposition currently set for July 30, 2025.

The Court's Order (Dkt. 76) expressly requires that all venue-related discovery be completed no later than August 22, 2025. Even if expedited transcripts were ordered—at significant cost—it is unlikely they would be delivered in sufficient time to allow for post-deposition briefing or meaningful Court review. Rescheduling would therefore risk non-compliance with the Court's deadline and substantially prejudice Plaintiff's ability to meet his burden to establish proper venue.

As Judge Lemelle made clear during the June 24, 2025 hearing:

"We're not talking about storing of equipment. We're talking about whether or not they require the employee to work in the district. That's a simple question."— Tr. 14:25:51–55

Accordingly, please ensure that Spotify produces a corporate representative on July 30, 2025, who is fully prepared to testify on the following topics, all of which fall squarely within the Court's directives and authorized scope under Rule 30:

1. Conditions of employment for Spotify employees residing in the Eastern District of Louisiana;
2. Control over employee work location, including how Spotify's Work From Anywhere (WFA) policy is applied in practice;
3. Corroborative materials referenced by the Court in Dkt. 76 and the hearing transcript, including:
 - * Internal job postings,
 - * Offer letters or employment agreements,
 - * Internal policies or guidelines governing location eligibility and relocation restrictions.

For clarity, Pro Se Plaintiff notes that Spotify's responses to venue-specific RFAs and Interrogatories (Nos. 23–47) were served prior to the Court's venue discovery Order (Dkt. 76) and voluntarily provided by email prior to the Court's enforcement Order (Dkt. 83). These admissions are directly responsive to the Court's stated inquiry into employment conditions and fall squarely within the authorized scope of venue discovery.

As Spotify's own counsel stated at the June 24, 2025 hearing:

"If an employer requires... that that employee stay in the district... that could be enough."— Tr. 14:14:16–25
 Spotify's Work From Anywhere policy, applicable to all employees, imposes exactly this requirement: employees must obtain managerial approval to relocate, and may only do so where business unit guidelines and tax policies permit.

Thus, Spotify's internal policy, combined with its own admissions regarding employee location, equipment provision, and exclusivity, places this case squarely on the venue-valid side of the very 'line' Defendant described.

Plaintiff intends to rely on these responses—alongside corroborating documentary and testimonial evidence—to establish that Spotify exercises control over the location and conditions of its employees working within this District.

Thank you for your attention, and I look forward to Spotify's cooperation in ensuring compliance with the Court's deadline.

Sincerely,

☐Manuel Tijerino

☐Pro Se Plaintiff

515-803-8907

From: Megan Thiberville (1579) <Megan.Thiberville@phelps.com>

Sent: Friday, July 25, 2025 11:41 AM

To: Manuel Tijerino <manueltijerino@hotmail.com>

Cc: David Patron <David.Patron@phelps.com>; Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>; Mark Ackal (1261) <Mark.Ackal@phelps.com>; Mooney, Kyle W. <kmooney@mofo.com>; Provine, Charles C. <cprovine@mofo.com>; Douglass, John S. <jdouglass@mofo.com>

Subject: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

Mr. Tijerino,

Please find attached Spotify's Responses and Objections to Plaintiff's 30(b)(6) Deposition Notice. Please note that we cannot be available on July 30. We have arranged for the witness and counsel to be available on August 15, which still ensures that we will have a final transcript in plenty of time to meet the Court-ordered August 25 submission deadline. Please confirm you can proceed on August 15, 2025.

Best regards,
Megan Thiberville

Megan Thiberville

Legal Assistant

Litigation

Phelps Dunbar LLP

Canal Place

365 Canal Street, Suite 2000

New Orleans, LA 70130

Telephone: 504-679-5579

Fax: 504-568-9130

Email: megan.thiberville@phelps.com



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Archived: Tuesday, July 29, 2025 7:47:35 PM

From: [Mooney, Kyle W.](#)

Sent: Tue, 29 Jul 2025 22:44:47

To: [Manuel Tijerino](#) [Megan Thiberville \(1579\)](#)

Cc: [David Patron](#) [Lindsay Calhoun \(1315\)](#) [Mark Ackal \(1261\)](#) [Provine, Charles C.](#) [Douglass, John S.](#) [MoFo Spotify Tijerino](#)

Subject: RE: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

Importance: Normal

Sensitivity: None

Mr. Tijerino -

We have told you many times that we cannot proceed tomorrow, agreed to accommodate your request for a remote deposition, offered multiple alternate dates that we can proceed and allow for the witness to be fully prepped, and confirmed with the reporting agency that any of those dates allow for the final transcript to be filed by the Court-ordered deadline.

In response, you have not offered any justification for your unilateral and arbitrary demand that the deposition proceed on July 30.

We will proceed accordingly but reiterate that it is regrettable that you are unnecessarily burdening Spotify and the Court in connection with this straightforward scheduling issue.

Kyle

Sent with BlackBerry Work
(www.blackberry.com)

From: Manuel Tijerino <manueltijerino@hotmail.com>

Date: Tuesday, Jul 29, 2025 at 3:28 'a0PM

To: Mooney, Kyle W. <KMooney@mofo.com>, Megan Thiberville (1579) <Megan.Thiberville@phelps.com>

Cc: David Patron <David.Patron@phelps.com>, Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>, Mark Ackal (1261) <Mark.Ackal@phelps.com>, Provine, Charles C. <CProvine@mofo.com>, Douglass, John S. <JDouglass@mofo.com>, MoFo Spotify Tijerino <MoFo-Spotify-Tijerino@mofo.com>

Subject: Re: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

External Email

Dear Counsel,

Thank you for your continued communication. Plaintiff respectfully maintains that the Rule 30(b)(6) deposition notice for July 30, 2025 remains in effect pursuant to Dkt. 76 and the Federal Rules of Civil Procedure.

Given the Court's clear directive that venue discovery be completed by August 22, 2025, Plaintiff believes this date is necessary to ensure a full and fair opportunity to develop the record without risking delay or prejudice.

Should Spotify be unable to appear on that date, Plaintiff will note the nonappearance on the record and seek appropriate relief.

EXHIBIT D

Sincerely,
Manuel Tijerino
Pro Se Plaintiff

From: Mooney, Kyle W. <KMooney@mofo.com>
Sent: Monday, July 28, 2025 10:33 PM
To: Manuel Tijerino <manueltijerino@hotmail.com>; Megan Thiberville (1579) <Megan.Thiberville@phelps.com>
Cc: David Patron <David.Patron@phelps.com>; Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>; Mark Ackal (1261) <Mark.Ackal@phelps.com>; Provine, Charles C. <CProvine@mofo.com>; Douglass, John S. <JDouglass@mofo.com>; MoFo Spotify Tijerino <MoFo-Spotify-Tijerino@mofo.com>
Subject: RE: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

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☐Pro Se Plaintiff

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Cc: David Patron <David.Patron@phelps.com>; Lindsay Calhoun (1315) <Lindsay.Calhoun@phelps.com>; Mark Ackal (1261) <Mark.Ackal@phelps.com>; Mooney, Kyle W. <kmooney@mofo.com>; Provine, Charles C. <cprovine@mofo.com>; Douglass, John S. <jdouglass@mofo.com>

Subject: Tijerino v. Spotify USA Inc., USDC, EDLA, Case No. 2:24-cv-002290-ILRL-DPC

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Best regards,
Megan Thiberville

Megan Thiberville

Legal Assistant
Litigation
Phelps Dunbar LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, LA 70130
Telephone: 504-679-5579
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