

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EDWARD C. McREADY**

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\*

**v.**

\* **Civil No. RWT 08-2347**

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**MARTIN O'MALLEY, et al.**

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**MEMORANDUM OPINION**

Presently pending is Plaintiff's First Motion for Order Compelling Discovery. (Dkt. No. 29). Defendant responded, (Dkt. No. 49) and Plaintiff replied. (Dkt. No. 55). No hearing is deemed necessary, and Plaintiff's motion will be granted as undisputed.

Plaintiff moved for answers to the following: (1) First Request for Production of Documents from Defendant Megan Farrell; (2) First Request for Production of Documents from Defendant Rachel Zelkind; (3) First Request for Production of Documents from Defendant William Kirwan; (4) First Request for Interrogatories from Defendant Univ. System of MD (USM); (5) Second Set of Interrogatories from Univ. Maryland University College (UMUC); and (6) Second Request for Production of Documents from UMUC.

Defendants agree to provide substantive responses to Plaintiff's requests, reserving only the right to decline to provide privileged information. Defendants will prepare a log identifying documents claimed to be privileged.

Defendants' responses to Plaintiff's discovery requests shall be provided by September 4, 2009, accompanied by an appropriate privilege log. Plaintiff's reliance on *Neighborhood Development Collaborative v. Murphy, et al.*, 233 F.R.D. 436, 442 (D. Md. 2005), for the proposition that Defendants must support all privilege claims with affidavits is misplaced. Affidavits are one, but not the only, acceptable means of supporting a privilege claim.

On February 11, 2009, the court imposed limits on the number of Interrogatories and Document Requests to which Plaintiff was entitled. *See* Dkts. No. 19 and 48. Although defendants do not waive these limits by agreeing to respond to these requests, the question whether the limits need be enforced is not before me. The motion is granted as unopposed.

Date: August 27, 2009

/s/

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JILLYN K. SCHULZE  
United States Magistrate Judge