

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JOHNNY O'MARA and)	
JILL O'MARA,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE No. 09-CV-229-GKF-FHM
)	
GOVERNMENT EMPLOYEES)	
INSURANCE COMPANY,)	
)	
DEFENDANT.)	

OPINION AND ORDER

Plaintiffs' Motion to Compel Production of Documents [Dkt. 94] is before the Court for decision. Defendant has filed a response [Dkt. 125]. No reply has been filed.

In its response, Defendant essentially represents that all responsive documents have been or will be produced relating to Requests for Production Nos. 5, 15, 21 and 27. Plaintiffs did not file a reply contesting this representation. The Motion to Compel is, therefore, moot as to these requests.

The only remaining issue concerns Request for Production No. 3. By this request, Plaintiffs are attempting to discover the amount of money Defendant paid to the law firm of Holden, Carr & Skeens during the last five years. Plaintiffs contend the information is relevant to show bias on the part of Holden, Carr & Skeens in favor of Defendant.

Defendant responds that because Holden, Carr & Skeens will not be receiving future business from Defendant, the information is not relevant. Defendant argues that any witness from Holden, Carr & Skeens who testifies at trial no longer has an incentive

to testify favorably to Defendant and may now have an incentive to testify unfavorably to Defendant.

This argument, however, does not address the bias Holden, Carr & Skeens may have had in favor of Defendant when Holden, Carr & Skeens was investigating Plaintiffs' claim for Defendant. The financial payments by Defendant to Holden, Carr & Skeens may be relevant and admissible to show the background and context in which Holden, Carr & Skeen's actions were taken. This financial information is, therefore, discoverable.

Plaintiffs agreed, when trying to resolve this discovery dispute with Defendant, to limit the request to just the gross amounts paid to Holden, Carr & Skeens by Defendant. This would give Plaintiffs the information they need while protecting any confidential information the records might contain about the cases handled by Holden, Carr & Skeens for Defendant.

The Court, therefore, GRANTS Plaintiffs' Motion to Compel Production of Documents with regard to Request for Production No. 3 and ORDERS Defendant to provide Plaintiffs the gross amounts paid to Holden, Carr & Skeens for each of the last five years subject to the Protective Order in the case.

SO ORDERED this 21st day of December, 2009.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE