STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. **SUPERIOR COURT**

(FILED: May 23, 2014)

LEONARD L. LEPORE and CAROL A. LEPORE	:	
v.	:	**C.A. No. PC-12-1469**
A.O. SMITH CORP., et al.	:	

DECISION

GIBNEY, P. J. Carol A. Lepore (Plaintiff) and her late husband, Leonard L. Lepore (Lepore), filed this asbestos-related negligence claim against a number of defendants, including Rhode Island Hospital and Miriam Hospital (Defendants or the Hospitals). Before the Court is Plaintiff's Motion for Permission to Propound Interrogatories in Excess of Thirty, pursuant to Super. R. Civ. P. 33(b) (Rule 33(b)), and Plaintiff's Motions to Compel Further Discovery Responses from Defendants, pursuant to Super. R. Civ. P. 37(a)(2). Defendants object to each of Plaintiff's motions. For the reasons below, Plaintiff's Motion for Permission to Propound Interrogatories in Excess of Thirty and Motions to Compel Further Discovery Responses from Defendants are granted, subject to the limitations outlined herein.

I

Facts and Travel

During the 1960s and 1970s, Lepore was a sheet metal worker with Felix Weigand & Son. As part of his job, he removed and installed ductwork at various buildings on the Hospitals' campuses on a number of occasions throughout the 1960s and 1970s. During this time, Lepore was not employed by Defendants directly; rather, he worked as a subcontractor

hired by the general contractors that Defendants hired directly. Plaintiff alleges that while Lepore was working at the Hospitals, he was exposed to asbestos from insulation in the walls and ceilings of Defendants' buildings, as well as from products that other workers hired by Defendants brought into Lepore's work area. Plaintiff further claims that, as a result of this asbestos exposure, Lepore contracted malignant mesothelioma, from which he died in late 2012.

Accordingly, Plaintiff asserts a premises liability claim against Defendants, asserting that they owed Lepore a duty to provide him with a safe work environment and that they breached that duty by failing to either provide Lepore with safety devices that would have protected him from inhaling asbestos fibers or warn him of the existence of asbestos in their buildings. In a January 15, 2014 Decision denying Defendants' motion for summary judgment in this case, this Court noted that in order to satisfy her burden of proof on her premises liability claim, Plaintiff must show, inter alia, that Defendants knew or reasonably should have known of the existence of asbestos on their properties in the areas where Lepore worked and that Defendants knew or reasonably should have known that exposure to asbestos could be hazardous to human health. See Lepore v. A.O. Smith Corp., No. PC-12-1469, Jan. 15, 2014, Gibney, P.J.

In an effort to make this evidentiary showing, Plaintiff has propounded numerous discovery requests seeking to determine whether and when Defendants became aware of both the presence of asbestos in the Hospitals and of the health hazards associated with inhaling asbestos fibers. In particular, Plaintiff submitted thirty interrogatories to Defendants in her standard master interrogatories. The parties' case management order further allows Plaintiff to submit an additional ten interrogatories to Defendants, which Plaintiff did in her first set of supplemental interrogatories. Plaintiff then propounded an additional thirty-seven interrogatories to Defendants—three in her second set of supplemental interrogatories and thirty-four in her third

set. Plaintiff has also served Defendants with numerous requests for production of documents.

Defendants, however, have objected to most of Plaintiff's discovery requests, asserting that they seek irrelevant information and are overly broad and unduly burdensome because they are "unlimited in time and scope." In particular, Defendants have objected to and declined to substantively answer Plaintiff's second and third sets of supplemental interrogatories and Plaintiff's second, third, and fourth sets of requests for production of documents. Additionally, Defendants object to Plaintiff's second and third sets of supplemental interrogatories on the grounds that they exceed the number of interrogatories permitted by Rule 33(b) and the parties' case management order.[1] In response, Plaintiff has filed a post-hoc Motion for Permission to Propound Interrogatories in Excess of Thirty, urging the Court to compel Defendants to respond to each of her interrogatories on the grounds that the various complex factual matters at issue in the case necessitate that she be permitted to file more interrogatories than the Rhode Island Rules of Civil Procedure or the parties' case management order would ordinarily allow.

II

Standard of Review

A

Motion to Propound Interrogatories in Excess of Thirty

Rule 33(b) permits a party to submit up to thirty interrogatories to an opposing litigant without Court permission. In order to propound more than thirty interrogatories on a single

[1] Defendants also seemingly argue that Plaintiff's requests for production of documents have exceeded the limits established by the case management order. However, Defendants concede in their memorandum that the case management order does not address how many requests for production of documents Plaintiff may propound. As the Rhode Island Rules of Civil Procedure, likewise, place no absolute limit on the number of requests for production of documents a litigant may propound to an opposing party, this Court will not consider Defendant's argument on this issue in deciding Plaintiff's Motions to Compel Further Discovery from Defendants. See Super. R. Civ. P. 34.

opposing party, the rule requires litigants to show "good cause" and to obtain Court permission. Rule 33(b). "[I]n making decisions whether to relax the restrictions" on the number of interrogatories a party may submit, "a trial justice has discretion" in determining whether the party has shown sufficiently good cause. Eleazer v. Ted Reed Thermal, Inc., 576 A.2d 1217, 1220 (R.I. 1990); see also Francis v. Barber Auto Sales, Inc., 454 A.2d 703, 705 (R.I. 1983) (noting that the decision "to relax the restrictions [on the number of interrogatories allowed] for good cause shown" is "of a discretionary nature"). Rule 33(b)'s limitation of "the number of interrogatories at thirty as a matter of right was never intended to be a fixed, never-to-be-exceeded maximum." Eleazer, 576 A.2d at 1220. Rather, "[i]n view of the liberal spirit of the rules, the court should be disposed to grant such discovery as will accomplish full disclosure of facts, eliminate surprise, and promote settlement." Crowe v. Chesapeake & O. Ry. Co., 29 F.R.D. 148, 151 (E.D. Mich. 1961). Accordingly, a party may establish "good cause" for submitting more interrogatories than permitted by right by showing "such circumstances as give the court reason to expect that the [aforementioned] beneficial objectives of pre-trial discovery will be achieved." Id.

B

Motion to Compel

In granting or denying motions to compel, this Court has "broad discretion," which must be guided by the principle that Rhode Island's discovery rules "are liberal [and] designed to promote broad discovery among parties." Colvin v. Lekas, 731 A.2d 718, 720 (R.I. 1999); Henderson v. Newport Cnty. Reg'l YMCA, 966 A.2d 1242, 1246 (R.I. 2009). This liberality notwithstanding, the discovery rules also empower the Court to restrict a discovery request on the grounds that it is "unduly burdensome" to the opposing party. Super. R. Civ. P. 26(b)(1), (c).

If, on the other hand, a party fails to cooperate with legitimate discovery requests, the Court may, on motion from the discovering party, issue an order compelling the opposing party to respond. Super. R. Civ. P. 37(a).

III

Analysis

A

Motion to Propound Interrogatories in Excess of Thirty

Having already exceeded the number of interrogatories allowed by Rule 33(b) without Court permission, Plaintiff now asks this Court to retroactively authorize the thirty-seven additional interrogatories she has propounded in her second and third sets of supplemental interrogatories. In making this request, Plaintiff relies on Rule 33(b)'s provision allowing a party to serve additional interrogatories with Court permission "for good cause shown." Plaintiff claims that she has good cause for submitting additional interrogatories because her case is unusually fact-intensive and Defendants have been particularly reticent.

Conversely, Defendants maintain that Plaintiff has not shown sufficiently good cause to merit thirty-seven interrogatories over and above the thirty provided for in Rule 33(b) and the additional ten allowed by the parties' case management order. Defendants rely on Super. R. Civ. P. 26(b) (Rule 26(b)), which provides that the Court may limit "[t]he frequency or extent" of a party's discovery requests if those requests are "unreasonably cumulative or duplicative, or [are] obtainable from some other source that is more convenient, less burdensome, or less expensive, . . . taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the issues at stake in the litigation." Specifically, Defendants argue that requiring them to respond to Plaintiff's second and third sets of supplemental interrogatories

would "create an enormous burden and provide nothing of relevance."

In determining whether Plaintiff has shown adequately good cause to submit her second and third sets of supplemental interrogatories to Defendants, the Court will consider whether these interrogatories seek information that is relevant and otherwise unavailable. United States v. Bldg. & Constr. Trades Council of St. Louis, Mo., AFL-CIO, 271 F. Supp. 454, 459 (E.D. Mo. 1966); see also Rockaway Pix Theatre, Inc. v. Metro-Goldwyn-Mayer, Inc., 36 F.R.D. 15, 17 (E.D.N.Y. 1964) (explaining that courts should consider the materiality and relevance of the information requested, as well as whether it is obtainable through other sources, in determining whether the requesting party has shown good cause). Additionally, the Court will consider whether requiring Defendants to respond to more than the ordinary number of interrogatories would "accomplish full disclosure of facts, eliminate surprise, and promote settlement." Crowe, 29 F.R.D. at 151. Lastly, the Court will balance the parties' needs and resources in order to determine whether allowing Plaintiff to propound her second and third sets of interrogatories on Defendants would be "unduly burdensome or expensive." Rule 26(b); see Medtronic Sofamor Danek, Inc. v. Michelson, 229 F.R.D. 550, 553 (W.D. Tenn. 2003) (noting that courts should balance each party's concerns in determining whether a discovery request constitutes an undue burden).

The interrogatories at issue are directly relevant to Plaintiff's prima facie case against Defendants. In order to satisfy her burden of proof at trial, Plaintiff must show, inter alia, that Defendants knew or reasonably should have known that asbestos was hazardous to human health and that there was asbestos on their properties in the areas where Lepore worked. See Ballet Fabrics, Inc. v. Four Dee Realty Co., 112 R.I. 612, 623, 314 A.2d 1, 8 (1974); Molinari v. Sinclair Refining Co., 111 R.I. 490, 493-94, 304 A.2d 651, 653 (1973). As Defendants have not

admitted to such knowledge, the only means by which Plaintiff may prove that Defendants had the requisite knowledge is by searching Defendants' internal records and decision-making policies from the relevant time period. As such, Plaintiff's second and third sets of interrogatories—which ask specific questions relating to when Defendants first became aware of the health hazards of asbestos and when they first became aware that asbestos, if any, was present on their premises—are drafted so as to obtain information relevant to the central issues in the case. See Smith v. Cafe Asia, 256 F.R.D. 247, 251 (D.D.C. 2009) (noting that "[r]elevance is determined by looking at the elements of plaintiff's claims to see if the information would tend to support or detract from any of those elements"). Although a handful of Plaintiff's seventy-seven total interrogatories are repetitive, the vast majority ask distinct questions that are designed to elicit information relevant to her burden of proof.[2] To limit Plaintiff to a predetermined number of interrogatories would arbitrarily restrict her ability to prove her case. See Fed. R. Civ. P. 33 Advisory Comm. Notes (explaining that "the number of . . . interrogatories to be served may not be limited arbitrarily or as a general policy to any particular number, but . . . a limit may be fixed only as justice requires to avoid annoyance, expense, embarrassment or oppression in individual cases").

Moreover, the information Plaintiff seeks is most likely not "obtainable from some other source that is more convenient, less burdensome, or less expensive." Rule 26(b); see also Bldg. & Constr. Trades Council of St. Louis, Mo., AFL-CIO, 271 F. Supp. at 459 (explaining that good cause for allowing additional interrogatories exists when the information sought is "relevant, material and otherwise unavailable"). No other source of information besides Defendants is

[2] Defendants need not repeat an already-given answer if it is responsive to more than one interrogatory, nor must Defendants provide multiple copies of the same documents if they are responsive to more than one request for production of documents. Rather, Defendants may refer to a prior answer or document in responding to a repetitive request.

likely to shed light on whether there was asbestos in the Hospitals and, if so, whether Defendants were or should have been aware of it. Therefore, allowing Plaintiff to propound her second and third sets of supplemental interrogatories is the most expedient way to "accomplish full disclosure of facts, eliminate surprise, and promote settlement." Crowe, 29 F.R.D. at 151.

Finally, "taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the issues at stake in the litigation," the Court finds that allowing Plaintiff to propound her second and third sets of interrogatories on Defendants would not be "unduly burdensome or expensive." Rule 26(b). In balancing the parties' needs and resources, the Court notes that "[i]t is well-settled that mere burdensomeness is not sufficient grounds for [limiting discovery], but the burden must be undue in the light of all the circumstances." Al-Jundi v. Rockefeller, 91 F.R.D. 590, 594 (W.D.N.Y. 1981) (emphasis added); see also Medtronic Sofamor Danek, Inc., 229 F.R.D. at 553 (noting that courts should balance each party's concerns in determining whether a discovery request constitutes an undue burden).

Accordingly, in balancing "the needs of the case, the amount in controversy, the parties' resources, and the importance of the issues at stake in the litigation" against the inconvenience and expense of responding to Plaintiff's additional interrogatories, it is clear that Defendants' burden is outweighed by the injustice that Plaintiff would face if she were unable to obtain the information she seeks. Rule 26(b). Because Plaintiff would be hard-pressed to find information relating to whether asbestos in the Hospitals caused Lepore's illness from a "more convenient, less burdensome, or less expensive" source other than Defendants themselves, Plaintiff will likely not be able to determine whether Defendants were negligent and whether they contributed to Lepore's mesothelioma unless Defendants provide responsive answers to her second and third

sets of supplemental interrogatories. Rule 26(b); see also Treppel v. Biovail Corp., 233 F.R.D. 363, 373-74 (S.D.N.Y. 2006) (finding "ample justification" for allowing a plaintiff to submit additional interrogatories where the expense of responding "pale[d] in comparison" to the amount in controversy and where the plaintiff had demonstrated a significant need for the information and an inability to obtain it by other means). Thus, although Defendants will be inconvenienced and put to some expense in responding to Plaintiff's interrogatories, the Court finds that, in light of Plaintiff's showing of good cause, allowing the additional interrogatories will not be "unduly burdensome or expensive" for Defendants. Rule 26(b) (emphasis added); see also Clarke v. Mellon Bank, N.A., 25 Fed. R. Serv. 3d 1176 (E.D. Pa. 1993) (holding that "burden alone does not allow a party to avoid complying with a legitimate discovery request . . . [r]ather, the discovery must be 'unduly burdensome or expensive'") (quoting Fed. R. Civ. P 26(c)) (emphasis in original).

B

Motions to Compel

In support of her motions to compel, Plaintiff maintains that she is entitled to Defendants' responsive answers to her interrogatories and requests for production of documents because her requests are within Rule 26(b)'s scope of permissible discovery. Specifically, Plaintiff argues that the interrogatories and requests for production of documents at issue are "relevant to the subject matter involved in the pending action" because they seek information necessary for her to satisfy her burden of proof to show that Defendants knew or reasonably should have known that asbestos was hazardous to human health and that there was asbestos in areas of the Hospitals where Lepore worked.

Defendants, however, have objected to these discovery requests on the grounds that they

are overly broad, seek irrelevant information, and are unduly burdensome because they are "unlimited in time and scope." More specifically, Defendants argue that these requests are too broad, and therefore burdensome, given the size of the Hospitals' campuses and the length of time the Hospitals have been operating. In order to narrow down Plaintiff's requests to a manageable level, Defendant requests that the Court order that she only be permitted to discover information concerning the time period when Lepore worked at Defendants' properties, rather than the entire existence of the Hospitals, and the specific jobsites where Lepore was able to remember working, rather than all of Defendants' buildings.

1

Rules Governing Motions to Compel Responses to Interrogatories and Requests for Production of Documents

Superior Court Rule of Civil Procedure 33(a) (Rule 33(a)) provides that a "party may serve upon any other party written interrogatories [and] [t]he party shall answer to the extent the interrogatory is not objectionable." Likewise, Superior Court Rule of Civil Procedure 34(a)-(b) (Rule 34(a) and Rule 34(b), respectively) allows a party to "serve on any other party a request . . . to produce . . . any designated documents" and requires the answering party to state the reasons for any objection to a request for production. Additionally, the rules limit the scope of interrogatories and requests for production of documents to "matters within the scope of Rule 26(b)." Rule 34(a); see also Rule 33(b). Under Rule 26(b), parties may use interrogatories and requests for production of documents to obtain information "regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." Nonetheless, the Court may limit "[t]he frequency or extent of use of the [various] discovery methods . . . if it determines that . . . the discovery [request] is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, the parties' resources, and the

importance of the issues at stake in the litigation." Rule 26(b). In particular, Super. R. Civ. P. 26(c) (Rule 26(c)) empowers the Court, upon a motion, "to protect a party or person from . . . undue burden or expense" by ordering "(1) that the disclosure or discovery not be had . . . (2) that the disclosure or discovery may be had only on specified terms and conditions . . . (4) that certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters."

2

Application of the Rules to the Scope of Plaintiff's Discovery Requests

This Court finds Defendants' arguments persuasive insofar as they advocate for imposing some limits on Plaintiff's discovery requests; however, this Court cannot agree that the appropriate scope of discovery in this case is limited to the jobsites where Lepore specifically testified to working and the timeframes when Lepore specifically recalled working there. In arguing that the scope of discovery should be so severely limited, Defendants apparently suggest that it would be futile for the Court to order Defendants to produce discovery responses relating to all their buildings and stretching back to the inception of the Hospitals because such information could not support Plaintiff's case at trial. As Defendants note, by the time Lepore was deposed in this matter, his memory had faded significantly and he could not remember the specific names or locations of the buildings where he worked at the Hospitals, nor could he state with specificity what dates he worked there. Thus, Defendants argue that they should not be required to produce information relating to buildings where Lepore could not specifically remember working because Plaintiff will be unable to show that Lepore was exposed to asbestos in those buildings. This argument, however, would be more appropriately advanced in support of a motion for summary judgment.

Rather, the question for the Court in ruling on the instant Motions to Compel Further Discovery Responses from Defendants is not whether Plaintiff will be able to prove her case with the information she seeks through discovery, but whether such information is "relevant to the subject matter involved in the pending action." Rule 26(b) (providing that "[i]t is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence"). The information about buildings other than those where Lepore specifically testified to working is relevant to this litigation because Plaintiff may ultimately be able to connect Lepore to specific buildings on Defendants' properties through other witnesses' testimony or with documentary evidence. Furthermore, information relating to whether Defendants knew or should have known of the existence or hazards of asbestos before Lepore's time at the Hospitals will be relevant to determining the duty of care they owed Lepore.

Nonetheless, some of Plaintiff's discovery requests are, as Defendant argues, overly broad and unduly burdensome. Therefore, pursuant to Rule 26(c), the Court orders that Plaintiff's requested "discovery may be had only on specified terms and conditions" and that "the scope of the disclosure or discovery be limited to certain matters." In ordering Defendants to provide responsive answers to Plaintiff's discovery requests, this Court is mindful that Defendants will be required to devote resources to the task. However, "the mere fact that interrogatories are lengthy, or that the [responding party] will be put to some trouble and expense in preparing the requested answers is not alone sufficient to warrant the granting of a protective order." Flood v. Margis, 64 F.R.D. 59, 61 (E.D. Wis. 1974). Rather, in crafting a protective order in response to a party's claim that a discovery request is unduly burdensome, this Court must "tak[e] into account the needs of the case [and] the parties' resources." Rule 26(b).

As explained above, the information sought by the interrogatories and requests for production at issue is critical to Plaintiff's case, as Plaintiff is unlikely to find such information from a source besides Defendants. Cf. Cahela v. James D. Bernard, D.O., P.C., 155 F.R.D. 221, 227-28 (N.D. Ga. 1994) (finding a discovery request to be "burdensome and oppressive" because responding to it would have required the defendant to engage in "tedious, time-consuming and expensive" work, even though "[t]here [were] much more efficient means by which plaintiffs could elicit the information they [sought]"). Additionally, Defendant has made no specific claim or showing that responding to Plaintiff's requests, pursuant to the limitations outlined below, would be an undue burden. Cf. Sadofsky v. Fiesta Products, LLC, 252 F.R.D. 143, 152 (E.D.N.Y. 2008) (finding that a request for "all correspondence, faxes, emails or other documents" pertaining to a particular product was unduly burdensome where the product manufacturer had only one employee, had received thousands of pieces of such correspondence and the possibility of obtaining relevant information from the requested documents was slight). Accordingly, the Court orders Defendants to respond to Plaintiff's second and third sets of supplemental interrogatories and Plaintiff's second, third, and fourth sets of requests for production of documents subject to the following restrictions.

Plaintiff's discovery requests relating to the following information are limited to the buildings and the time period relevant to this litigation:

1) any materials or equipment purchased or received by Defendants and/or located in the Hospitals and the manufacturer, seller or distributor of such materials or equipment;
2) the identity of contractors who performed any work at the Hospitals;
3) the nature of any construction, repair, maintenance, removal, or installation work performed at the Hospitals;
4) the existence, abatement, or encapsulation of asbestos at the Hospitals;
5) any tests, studies, inspection, or monitoring of asbestos at the Hospitals;

6) asbestos-related injuries due to exposure to asbestos at the Hospitals;
7) whether any employee had ever filed a workers' compensation claim against Defendants based on asbestos-induced disease;
8) whether Defendants have ever been in violation of local, state or federal asbestos regulations;
9) whether Defendants have ever been parties to a lawsuit against another party relating to asbestos at the premises; and
10) documents regarding health, safety or industrial hygiene.[3]

Requests for such information from the years after Lepore worked at the Hospitals are overbroad and not "reasonably calculated to lead to the discovery of admissible evidence" because they do not pertain to the issues disputed in this case, namely Lepore's exposure to asbestos at the Hospitals and Defendants' knowledge of asbestos at the time Lepore was allegedly exposed. Rule 26(b); see also Cafe Asia, 256 F.R.D. at 256 (finding that the plaintiff's discovery request was overly broad because it sought irrelevant information in asking about events that occurred outside the timeframe in which the events underlying the suit took place); Sadofsky, 252 F.R.D. at 152 (finding that a request for documents was overbroad where the documents were "not reasonably calculated to lead to information [that was] relevant to the claims asserted by either party"). Therefore, Defendants need not provide responses that pertain to dates after Lepore's work at the Hospitals; rather, Defendants are ordered to respond with information pertaining to dates before and during the period of Lepore's work at the Hospitals. By the same logic, Plaintiff's questions relating to work performed on the Hospitals' facilities and materials and equipment present there is limited to only the buildings that were in existence when Lepore worked at the Hospitals.[4]

[3] In addition to the time period limitation on this request, Defendant need only provide information regarding health, safety or industrial hygiene as it pertains to asbestos and asbestos-related health hazards at the Hospitals.

[4] The Court is cognizant that Plaintiff may not have ascertained yet the exact dates of Lepore's work at the Hospitals. Thus, in complying with the discovery limits ordered in this Decision, the Court orders Plaintiff to define for Defendants some reasonably accurate, albeit approximate, time frame for Lepore's work at the Hospitals.

Next, Plaintiff's requests for information regarding Defendants' employees' membership in any trade, professional, industry, safety, hygiene or health associations and subscriptions to any medical or scientific journals must also be limited.[5] Plaintiff presumably asks for this information in an effort to determine whether and when Defendants knew or should have known of the health hazards associated with working around respirable asbestos. Because such knowledge held by a low-level employee would most likely not be imputable to Defendants as business entities, requests for information about such employees' associations and subscriptions are not "reasonably calculated to lead to the discovery of admissible evidence." Rule 26(b); see also United States v. Ladish Malting Co., 135 F.3d 484, 493 (7th Cir. 1998) (explaining that a corporation is deemed to have knowledge of hazards on its premises when such "knowledge [is] possessed by persons authorized to do something about what they know"). Defendants are, therefore, ordered to respond to such requests with information regarding only those employees who had some authority to take action with respect to asbestos safety. See id. Moreover, Defendants' employees' knowledge of the existence of asbestos at the Hospitals or of the dangers of asbestos is relevant to the issues in this case only insofar as the employees had such knowledge before or during Lepore's time there. Accordingly, Defendants need only provide such information for the years leading up to and including the time Lepore worked at the Hospitals. See Rule 26(b); see also Cafe Asia, 256 F.R.D. at 256.

Lastly, Plaintiff's requests for information relating to Defendants' employment and supervision of independent contractors must be limited in temporal scope.[6] Plaintiff presumably

[5] This limitation extends equally to Plaintiff's Interrogatory #3 in her third supplemental set, which asks about Defendants' employees' membership in several specific groups.

[6] This limitation also applies to Plaintiff's inquiries into who purchased or supplied materials and equipment used by contractors, whether Defendants warned contractors or their employees about the dangers of any materials at the premises, Defendants' safety regulations for work performed

seeks such information in order to substantiate her allegations that Defendants are liable for the negligence of their independent contractors by showing that Defendants knew or reasonably should have known that their independent contractors were exposing Lepore to asbestos. Reason, therefore, dictates that Defendants be required to provide information relating only to their hiring and supervision of independent contractors during the time that Lepore worked at the Hospitals, as information regarding independent contractors working at the Hospitals at other times would be unlikely to lead to evidence relevant to this litigation. See Rule 26(b); see also Sadofsky, 252 F.R.D. at 152.

IV

Conclusion

For the foregoing reasons, Plaintiff's Motion for Permission to Propound Interrogatories in Excess of Thirty is granted. Additionally, Plaintiff's Motions to Compel Further Discovery Responses from Defendants are granted subject to the limitations delineated in this Decision. Counsel will submit an appropriate order for entry.

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at the Hospitals, Defendants' procedures for reporting contractors' employees' injuries, and Defendants' policies regarding whether contractors were required to inspect their jobsites.

RHODE ISLAND SUPERIOR COURT
Decision Addendum Sheet

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COURT:	**Providence County Superior Court**
DATE DECISION FILED:	**May 23, 2014**
JUSTICE/MAGISTRATE:	**Gibney, P.J.**
ATTORNEYS:	
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For Defendant:	**Mark P. Dolan, Esq.**