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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Kathy Grismore, ) No. CIV 05-2460-PHX-SMM

10 Plaintiff, ) **ORDER**

11 v. )

12 Capital One F.S.B., Capital One Services, )  
13 Inc., and Capital One Bank, )

14 Defendants )

15 This afternoon the Court had before it both parties to resolve the second discovery  
16 dispute generated by Plaintiff's unreasonable interpretation and noncompliance with the  
17 Federal Rules concerning discovery and other relevant matters. This unreasonable  
18 interpretation and consequential failure to comply with the necessary rules is quite  
19 burdensome on Defendant and has subsequently cost Defendant Capital One significant  
20 amounts of time and money to resolve. Plaintiff is warned that any further conduct of this  
21 nature may result in the Court striking the Complaint and entering judgment in favor of  
22 Defendant.

23 Pursuant to the Court's orders made from the bench, Plaintiff must file, no later than  
24 **February 15, 2008**, a supplement to her discovery response to Interrogatory #16. In  
25 particular, Plaintiff must produce the requested **unredacted credit reports**.

26 Furthermore, Plaintiff must produce all tax returns for the years requested by  
27 Defendant. In the unlikely event that Plaintiff is unable to ascertain copies of said tax  
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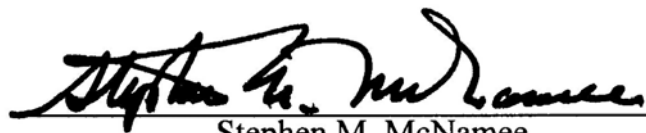
1 returns<sup>1</sup>, she must make affirmative statements, **under oath**, stating what efforts she made  
2 to attempt to produce the tax returns, whether she filed tax returns for those years, and the  
3 reason for her inability to produce her tax returns. If the tax returns are not produced,  
4 Plaintiff is advised that, pursuant to the best evidence rule, she will not be permitted to refer  
5 to the tax returns or the information contained therein at trial. Plaintiff must file the tax  
6 returns no later than **February 15, 2008**.

7 With regard to videotaping the depositions, the Federal Rules of Civil Procedure do  
8 not contemplate personal videotaping of depositions by a deponent. Therefore, self-video  
9 of any kind is prohibited.

10 Finally, with regard to the subpoena duces tecum served upon the custodian of records  
11 of Transunion, residing in Chicago, Illinois, Defendant's counsel is to file a written Motion  
12 to Quash the subpoena in order for the Court to properly consider the matter.

13 Plaintiff is cautioned that any further unreasonable action related to discovery or the  
14 aforementioned conduct may result in sanctions.

15 DATED this 1<sup>st</sup> day of February, 2008.

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19 Stephen M. McNamee  
20 United States District Judge  
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27 <sup>1</sup>Financial hardship is not a valid reason for not ascertaining one's tax returns.  
28 Plaintiff filed this lawsuit and therefore has the burden of proof.