

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ONIONS ETC., INC., et al.,	CASE NO. 1:09-cv-906-OWW-MJS
Plaintiffs,	ORDER GRANTING MOTION TO EXCEED DISCOVERY LIMITS
v.	(ECF NO. 473)
Z&S FRESH, INC., et al.,	
Defendants.	

Before the Court is Defendants Loren S. Schoenburg and Margaret aka Marge Schoenburg's Motion to Exceed Discovery Limit [ECF No. 473] seeking permission to serve twenty-two contention interrogatories each with three specified sub-parts.

The Schoenburgs contend that Court permission is necessary because their proposed interrogatories may be said to exceed the limits set forth in Rule 33. The parties opposing the Motion argue that sub-parts do not constitute separate interrogatories and, therefore, that the instant Motion is unnecessary.

Aside from the legal issue of whether the proposed sub-parts of these contention interrogatories constitute separate interrogatories for purposes of Rule 33, there does not appear to be a genuine dispute as to whether the requested discovery is appropriate. Accordingly, without addressing or deciding that legal issue, the Schoenburg's Motion to

///
///

1 Exceed Discovery Limit [ECF No. 473] is GRANTED. The Schoenburgs may
2 serve their proposed twenty-two contention interrogatories each with the three specified
3 subparts.

4

5 IT IS SO ORDERED.

6 Dated: July 8, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28