

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01376-WJM-MJW

KIMBERLY GOODMAN,

Plaintiff(s),

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant(s).

**ORDER REGARDING
PLAINTIFF'S MOTION TO COMPEL AN ANSWER TO PLAINTIFF'S FIRST
INTERROGATORY (DOCKET NO. 39)**

Entered by Magistrate Judge Michael J. Watanabe

This matter is before the court on Plaintiff's Motion to Compel an Answer to Plaintiff's First Interrogatory (docket no. 39). The court has reviewed the subject motion (docket no. 39), the response (docket no. 59), and the reply (docket no. 71). In addition, the court has taken judicial notice of the court's file and has considered applicable Federal Rules of Civil Procedure and case law. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court finds:

1. That I have jurisdiction over the subject matter and over the parties to this lawsuit;

2. That venue is proper in the state and District of Colorado;
3. That each party has been given a fair and adequate opportunity to be heard;
4. That plaintiff seeks an Order from this court compelling defendant State Farm to answer plaintiff's first interrogatory; and
5. That plaintiff's first interrogatory is overly-broad and unduly burdensome because plaintiff's first interrogatory is not limited as to time, location, and as to defendant State Farm only. Moreover, plaintiff has access to this information concerning bad faith cases against State Farm via a search by Westlaw or LexisNexis. Further, plaintiff can do a search on bad faith cases concerning defendant State Farm through the CM/ECF system in this court and through a similar search through the state of Colorado courts electronic filing system. See McCrink v. Peoples Benefit Life Ins. Co., 2004 WL 2743420, at *6 (E.D. Pa. Nov. 29, 2004).

ORDER

WHEREFORE, based upon these findings of fact and conclusions of law this court **ORDERS**:

1. That Plaintiff's Motion to Compel an Answer to Plaintiff's First Interrogatory (docket no. 39) is **DENIED**; and
2. That each party shall pay their own attorney fees and costs for this

motion.

Done this 27th day of January 2014.

BY THE COURT

s/Michael J. Watanabe
MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE