

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRI-M GROUP, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-556-SLR
)	
THOMAS B. SHARP, SECRETARY,)	
DELAWARE DEPARTMENT OF)	
LABOR,)	
)	
Defendant.)	

MEMORANDUM ORDER

At Wilmington this ³¹ day of September, 2009, having reviewed plaintiff's motion to quash and/or for a protective order, and the papers submitted in connection therewith;

IT IS ORDERED that said motion (D.I. 64) is granted in part and denied in part, as follows:

1. **Topics 1-4.** The facts which form the basis of a lawsuit are discoverable. The facts which form the basis of the decision to file a lawsuit generally are not discoverable as not relevant. Defendant argues that the case at bar is exceptional, as the lawsuit was filed for improper purposes, to wit, "champerty." I discern no basis for granting defendant's exceptional discovery requests, as plaintiff has standing to bring this suit and its motivation for doing so is irrelevant to the substantive issue in dispute.

2. **Topics 5, 8 and 9.** Given that plaintiff has disclaimed any claim for money damages in this case, these topics relating to the profitability of the Delaware Veteran's Home are irrelevant.

3. **Topic 7.** Plaintiff claims that it "is suing because Delaware has placed it and other out-of-state contractors at a significant competitive disadvantage by requiring them to pay Pennsylvania apprentices wages that are substantially higher wages than those paid by in-state contractors to their apprentices." (D.I. 1 ¶ 25) Although defendant should have a full and fair opportunity to explore this allegation through discovery about defendant's apprentice program, generally only one 30(b)(6) witness need be provided per topic. To the extent Mr. Weaber has testified about this topic, a second 30(b)(6) witness need not be produced. To the extent defendant cares to limit topic 7 areas not covered by Mr. Weaber's deposition, I will allow the deposition to go forward.


United States District Judge