

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PAMELA BIAGAS)	
)	
Plaintiff,)	
)	Civil Action No. 01-2578(RCL)
v.)	
)	
DISTRICT OF COLUMBIA, et al))	
)	
Defendants.)	

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO COMPEL
PLAINTIFF’S ANSWERS TO INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Pamela J. Biagas, by and through her counsel, GREEN & FOUSHEE and Iris McCollum Green, Esquire, hereby opposes the Defendant’s motion to compel plaintiff to respond to the District’s written discovery requests.

1. First, Defendant District of Columbia’s motion is disingenuous.

This case was filed on December 14, 2001. The Defendant District of Columbia issued its first set of interrogatories and request for production of documents with certificate of service dated June 8, 2004. Plaintiff Biagas hand delivered her responses to Defendant’s discovery requests to Defendant’s then counsel, Robert DeBeradinis, at her scheduled deposition on September 15, 2004.

2. Subsequently, on August 5, 2005, Defendant District of Columbia,

through substituted counsel McQuinn, filed a motion for summary judgment.

On September 15, 2005, Plaintiff Biagas opposed Defendant’s motion for

summary judgment. That opposition contained at least nine (9) exhibits which

are responsive to Defendant District of Columbia's supplemental request for production of documents.

3. On March 8, 2007, Defendant District of Columbia propounded supplemental interrogatories and request for production of documents to Plaintiff. Pursuant to this Court's order, Plaintiff Biagas filed a response to Defendant's supplemental discovery requests including production of additional documents.

4. The documents submitted with Plaintiff's opposition to Defendant's motion for summary judgment; the additional documents produced in response to Defendant's supplemental interrogatories and request for production of documents, as well as her deposition contain all of the relevant documents which Plaintiff has in this case. Moreover, it is also clear that the only reason that Defendant District of Columbia, through counsel, submitted their supplemental request for interrogatories and request for production of documents is that they had lost Plaintiff's response to Defendant's first set of interrogatories and request for production of documents. Rather than admit that Defendant had misplaced or lost these documents, Defendant's counsel resorted to submitting a supplemental request for interrogatories and production of documents in which they asked for the same or similar information to that already requested in their first set. Instead of Defendant simply asking undersigned counsel to give them another copy of her previous response, they

disingenuously submitted a supplemental request for both interrogatories and documents. This is a colossal waste of both the Court and Plaintiff's time.

5. Plaintiff, through undersigned counsel, has provided Defendant with a second copy of her answers to Defendant's first set of interrogatories. Moreover, Defendant further demonstrates their disingenuousness by filing a motion to compel a second copy of Plaintiff's responses to its first set of interrogatories. While undersigned counsel offered to provide Defendant with a second copy of Plaintiff's responses to its first set of interrogatories, she had to go out of town and before she had an opportunity to actually submit the document, and during her absence, Defendant's counsel submitted a motion to compel.

6. Further, Plaintiff gave a deposition in this case on September 15, 2004. Plaintiff's deposition also contains answers to many of the questions posed in Defendant's supplemental request for interrogatories and request for production of documents. Defendant has been provided with limited medical records in prior discovery.

CONCLUSION

Based on the foregoing, Defendant's motion to compel discovery should be denied.

Respectfully submitted,

GREEN & FOUSHEE

By:

_____/s/_____

IRIS McCOLLUM GREEN, ESQ.

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