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DISTRICT COURT OF GUAM

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TERRITORY OF GUAM

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10 DAVID G. MATTHEWS,

Civil Case No. 07-00030

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Plaintiff,

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vs.

**ORDER**

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UNITED STATES OF AMERICA,

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Defendant.

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This case is before the court on the Plaintiff David G. Matthews's Motion to Compel Defendant to Provide Production. *See* Docket No. 155. He requests that the court order the Government to produce the "Statement of Rights" document that was referenced in the September 9, 2005 Memorandum signed by M.W. Baza. *See* Docket No. No. 155, Exh. B, p.1. The Defendant United States of America ("the Government") opposes, and contends that the Plaintiff has avoided formal service of this document. *See* Docket No. 161.

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The Plaintiff asserts that he cannot locate the Statement of Rights document in the discovery that was provided by the Government, and asks this court to compel the Government to produce it. Docket No. 155. A motion to compel is appropriate "[i]f a party fails to make a disclosure required by Rule 26(a)" or replies to a discovery request with an "evasive or incomplete disclosure, answer, or response." Fed. R. Civ. P. 37(a).

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The Government states that the Plaintiff was provided with this Statement of Rights document in December 2005, but that he has refused to acknowledge receipt of this document,

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1 and has avoided formal service of this document. *See* Docket No. 161, p. 1. The Government  
2 further asserts that the Plaintiff's wife refused to accept a certified letter which included this  
3 Statement of Rights document. *See id.*, Exh. B. The Government asks the court to deny the  
4 motion, because the Plaintiff has been provided with this document and is using the instant  
5 motion to argue "a narrow issue" that will not be resolved through compelling discovery.

6 In light of the Government's assertion that it has already produced the document, the  
7 court denies the motion. Because it would not be an additional hardship to provide the Plaintiff  
8 with the document number, the court orders the Government to provide the Plaintiff with said  
9 number.

10 **SO ORDERED.**



11 /s/ **Joaquin V.E. Manibusan, Jr.**  
12 **U.S. Magistrate Judge**  
13 **Dated: Jan 10, 2011**

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