

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BARBARA BOSTOCK,

Plaintiff,

v.

AURORA LOAN SERVICES, LLC;
SAFECO INSURANCE CO. OF
ILLINOIS; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; and JOHN or JANE
DOES 1 THROUGH 10,

Defendants.

Case No. 1:14-cv-00329-BLW

MEMORANDUM DECISION AND
ORDER

INTRODUCTION

Pending before the Court is Defendant Safeco Insurance Co. of Illinois' Motion to Compel (Dkt. 35). Also pending is Plaintiff Barbara Bostock's request for a "court date," which the Court construes as a request for a hearing (Dkts. 36, 37). For the reasons explained below, the Court will grant the motion to compel, but will deny Safeco's request for an award of attorneys' fees. The Court will deny Bostock's request for a hearing.

BACKGROUND

In 2014, Barbara Bostock sued Safeco Insurance Company along with two other

defendants. Safeco answered the complaint and later served discovery requests upon plaintiff, including interrogatories, requests for admission, and document requests. *See Safeco's First Set of Discovery*, Dkt. 35-1. Safeco says Bostock has “willfully refused” to respond to the discovery requests and seeks an order compelling Bostock to respond, as well as an award of attorneys’ fees.

Bostock is approximately 80 years old and represents herself in this action. On January 27, 2016 and February 1, 2016, Bostock responded to Safeco’s motion to compel by filing two separate handwritten documents. *See* Dkts. 36, 37. It appears that Bostock is attempting to respond to some of the discovery requests with these filings. The filings contain various generalized statements regarding the flood at a home she formerly owned and the damage caused by that flood. Bostock has also included several photographs of the home and a copy of a Notice of Cancellation of a Homeowners Policy. *See* Dkts. 36, 37.

DISCUSSION

The Court will order Bostock to provide more complete responses to the pending discovery. To the extent Bostock is relying on the documents filed with this Court to serve as discovery responses, they are deficient. The main problem is that Bostock has not taken the time to answer or state specific objections to any particular request. Instead, she provides generalized information or objections, including, for example, the following statements:

- “What was lost in my flood – . My home was covered. You have it in the discovery sent 1/25/2016. Also Photos of damage. Also on photos of damage. Which says it all” Dkt. 37, at 1.

- “It is so straightforward. Plz notice – this is a waste of time. ‘Exhibit A’ Insurance Policy Safeco Co still covered. Everyone agrees the flood was from 2/3 or 2/4.” Dkt. 36, at 1.
- “Mr. Sebastian, I realize you are doing your job but are you telling me you have had no conversations with Anderson Yates?? – He was trying to move forward on Safeco. Now I have explained my AKA’s – I was in show biz – this has nothing to do with Safeco. My so security also – putting that out. My phone has been hacked 2/22/14 – car broken into in Id. Now 2 complaints taken – had not gotten summons done. Enough of this crazy false stuff. Right is Right – Wrong is wrong. Pl do what is right – so I can move on – I thank you.” Dkt. 36-1, at 2 (handwritten notation indicates “page 20 of 20”) (internal paragraph divisions omitted here).

These sorts of statements do not allow Safeco to prepare for trial or otherwise defend itself in this action. Further, it appears that Bostock has simply ignored many of the discovery requests. Accordingly, the Court will grant Safeco’s motion to compel. At this time, the Court will not sanction plaintiff. Among other things, the Court is not convinced that she “willfully” refused to respond to discovery, as Safeco argues.

As for Bostock’s request that the Court set a “court date,” the Court declines to schedule any hearing at this time. The Court is not persuaded that a hearing on this motion would aid the decisional process. And, more generally, the Court does not see a need for any other hearing at this time.

ORDER

IT IS ORDERED that:

(1) Defendant Safeco Insurance Co. of Illinois’ Motion to Compel (Dkt. 35) is

GRANTED in part and DENIED in part as follows:

- a. The Motion to Compel is granted to the extent that, *within 30 days of this Order, Plaintiff Barbara Bostock is ordered to provide complete written responses to Safeco's pending discovery requests.*
- b. The Motion to Compel is DENIED to the extent Safeco seeks an attorneys' fee award.

(2) Plaintiff Barbara Bostock's request for a "Court date" (Dkts. 36, 37) is DENIED at this time.



DATED: March 16, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court