

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

TOMKINSON DODGE, INC.,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:13-CV-174
)	
ENCLOSED AUTO TRANSPORTS, LLC, and TERELL JONES,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff Tomkinson Dodge, Inc.’s Motion for Leave to Serve Expedited Discovery. (Docket # 7.) To comply with this Court’s previous order to amend the Complaint to establish that diversity jurisdiction exists (Docket # 6), Plaintiff seeks to serve its First Set of Requests for Admissions and Interrogatories to Defendants, which consists of only five requests aimed at discerning the citizenship of Defendant Enclosed Auto Transport, LLC, and requests expedited responses to those requests—namely, responses seven days after service (*see* Docket # 7-1).

Federal Rule of Civil Procedure 33 governs interrogatories, while Federal Rule of Civil Procedure 36 governs requests for admission. FED. R. CIV. P. 33, 36. Although both rules give a party served with interrogatories or requests for admission 30 days after service to respond, they also provide that the Court can order a shorter, or longer, time for responding. FED. R. CIV. P. 33(b)(2), 36(a)(3).

Ultimately, the circumstances of this case warrant not only allowing Plaintiff to serve early discovery, but also requiring Defendants to respond in an expedited manner to that

discovery. This case involves valuable property and Plaintiff's request for immediate possession of that property that may otherwise depreciate in the meantime. (*See* Docket # 5.) Moreover, before that motion can be ruled on, the Court must ensure itself that diversity jurisdiction exists, *see Camico Mut. Ins. Co. v. Citizens Bank*, 474 F.3d 989, 992 (7th Cir. 2007), which Plaintiff's requests for admission and interrogatories are aimed at discovering. And finally, Plaintiff's proposed discovery is brief and can be promptly responded to because the information sought is within Defendants' personal knowledge.

Accordingly, Plaintiff's Motion for Leave to Serve Expedited Discovery (Docket # 7) is GRANTED. Defendants are ordered to serve responses to Plaintiff's First Set of Requests for Admissions and Interrogatories (Docket # 7-1) on or before June 12, 2013. The Clerk is directed to send a copy of this Opinion and Order and Docket # 7-1 to Defendants¹ at their last known addresses:

Enclosed Auto Transport, LLC
c/o Terrell Jones, Registered Agent
12515 Early Morning Drive
Florissant, MO 63033

Terrell Jones
12515 Early Morning Drive
Florissant, MO 63033

And because counsel have yet to appear for either Defendant, the Clerk is to send a copy of Federal Rules of Civil Procedure 33 and 36 to each Defendant.

SO ORDERED.

Enter for this 5th day of June, 2013.

/S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge

¹ The Court notes that Plaintiff has alternatively referred to one Defendant as Enclosed Auto Transports, LLC, and at other times, Enclosed Auto Transport, LLC, and has spelled Defendant Jones's first name two different ways—as both Terell and Terrell.