

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF INDIANA  
 INDIANAPOLIS DIVISION

|                       |   |                           |
|-----------------------|---|---------------------------|
| GARY E. MANNS,        | ) |                           |
|                       | ) |                           |
| Plaintiff,            | ) |                           |
| vs.                   | ) | NO. 1:11-cv-01550-TWP-MJD |
|                       | ) |                           |
| JACQUE LECLERC, M.D., | ) |                           |
| KIM GRAY,             | ) |                           |
| LISA WOLFE,           | ) |                           |
| ASHLEY WAGGLER,       | ) |                           |
| AMY WRIGHT,           | ) |                           |
| DR. MITCHEFF,         | ) |                           |
|                       | ) |                           |
| Defendants.           | ) |                           |

**ORDER ON PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

This matter comes before the Court on Plaintiff's motion to compel production of documents. [Dkt. 68.] The Court reviewed the submissions of the parties and heard oral argument on January 11, 2013. At the conclusion of the January 11, 2013 hearing, the Court instructed Defendants to conduct a search for the potentially relevant documents sought by Plaintiff and to advise the Court of the results of that search. [Dkt. 80 at 1-2.]

On February 1, 2013, Defendants timely provided the information requested by the Court. [Dkt. 83.] In that submission, Defendants represented that six non-privileged and specifically responsive electronic messages relating to Plaintiff had been identified as a result of the search performed, and that those messages had been produced to Plaintiff. [*Id.* at 2.] Defendants further advised that eight additional privileged and

specifically responsive electronic messages relating to Plaintiff had been identified as a result if the search performed, and that a privilege log identifying those messages had also been provided to Plaintiff. [*Id.*]

Defendants identified an additional 427 electronic messages that would be potentially responsive to Plaintiff's request to production, but explained that those messages either contain no relevant information or that any potentially relevant information contained therein is cumulative of the information contained in Plaintiff's medical records, all of which have been produced to Plaintiff. [*Id.* at 3-4.] The Court agrees. Accordingly, Plaintiff's motion to compel is **GRANTED IN PART** with regard to Defendants' production of the six responsive electronic messages and with regard to the production by Defendants of a log of the eight additional privileged but otherwise potentially responsive messages. Plaintiff's motion to compel, to the extent it seek the production of any other documents by Defendants is **DENIED** on the grounds that such information is not relevant to a claim or defense in this matter, is cumulative of other information already produced to Plaintiff and because the burden or expense of producing the additional documents outweighs their likely benefit in light of the needs of the case, the amount in controversy and the importance (or more specifically the lack of importance) of the discovery in resolving the issues in the case.

See Fed. R. Civ. P. 26(b)(2)(c).

So Ordered.

Dated: 02/07/2013

Distribution:



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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