

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DR. JOHN FRAICHE AND DONNA D.  
FRAICHE

CIVIL ACTION

NUMBER 08-392-JJB-DLD

VERSUS

SONITROL OF BATON ROUGE, ET AL

ORDER

This matter is before the court on defendant's motion to extend deadlines related to expert discovery (rec. doc. 61). Before the court sets any further deadlines, the issue of the relevancy of additional discovery regarding plaintiffs' safe must be resolved. Although the parties have touched on the issue of the relevancy of discovery regarding the safe at various times, in briefing and in oral argument, the issue has never been briefed fully by the parties. Thus, the parties are ordered to brief the issue of the relevancy of the discovery sought regarding the safe, specifically addressing the issues of whether and how information regarding the safe is relevant to plaintiffs' breach of contract and/or gross negligence claims and/or defendant's defenses. Defendant Sonitrol is seeking discovery regarding the safe over plaintiff's relevancy objection; therefore, defendant Sonitrol has the burden of proving that the discovery it seeks is relevant. The court will not entertain briefing regarding whether this issue has been previously decided or properly or timely appealed. Accordingly,

**IT IS ORDERED** that defendant Sonitrol has **10 days** from the date of this order, or until **April 12, 2010**, to file its brief outlining the discovery sought and citing specific authority supporting its position that the discovery sought is relevant to plaintiffs' breach of

contract and/or gross negligence claims and/or defendant's defenses to plaintiff's claims. Thereafter, plaintiffs have **5 days**, or until **April 19, 2010**, to file a response, citing specific supporting authority for their position.

Signed in Baton Rouge, Louisiana, on March 31, 2010.



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**MAGISTRATE JUDGE DOCIA L. DALBY**