

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

REGINALD GRAY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:06-CV-00422-JAR
)	
FEDEX GROUND PACKAGE)	
SYSTEM, INC.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Leave to File Supplemental Interrogatories Relating to Damages [ECF No. 168]. The motion is fully briefed and ready for disposition. For the following reasons, the motion will be granted.

Plaintiffs seeks to propound nine additional interrogatories on Defendants seeking information on hourly wage rates, job descriptions and benefits for employees of Federal Express Freight, Federal Express Ground, and Federal Express Home Delivery in positions similar to those of Plaintiffs. Defendants oppose the motion on the grounds that the additional interrogatories are not reasonably calculated to lead to the discovery of admissible evidence and that Plaintiffs have failed to show a particularized need for the discovery. (Memorandum of Law in Opposition, Doc. No. 169, pp. 1-2). Plaintiffs reply that their damages expert based his analyses on wage rate information from various websites advertising positions with Defendant and its sister companies, and that their supplemental interrogatories are narrowly tailored to obtain this information. (Reply, Doc. No. 170, pp. 1-2).

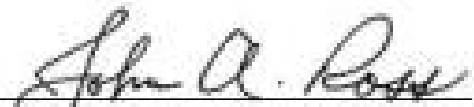
Fed.R.Civ.P. 33(a)(1) provides that leave to serve additional interrogatories may be

granted to the extent consistent with Rule 26(b)(2). According to the Advisory Committee Notes to Fed.R.Civ.P. 33(a)(1), the purpose “is not to prevent needed discovery, but to provide judicial scrutiny before parties make potentially excessive use of this discovery device.” The Court finds the information sought by Plaintiffs is not overbroad or burdensome and is clearly designed to lead to the discovery of admissible evidence.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Motion for Leave to File Supplemental Interrogatories Relating to Damages [168] is **GRANTED**.

Dated this 16th day of July, 2012.



JOHN A. ROSS
UNITED STATE DISTRICT JUDGE