McKinzie v. Westlake Hardware, Inc. Doc. 50

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JAMES MCKINZIE, JR., on behalf of himself and all others similarly situated, Plaintiff,	)	
vs.	)	No. 09-0796-CV-W-FJG
WESTLAKE HARDWARE, INC. Defendant.	)	

ORDER

On May 25, 2010, this Court held a discovery dispute teleconference with the parties. Defendant has propounded interrogatories and requests for production of documents directed to plaintiffs, purportedly seeking information as to whether a conflict of interest exists between plaintiff McKinzie and/or his counsel and other members of the opt-in class. As discussed by plaintiff's counsel in his response letter dated May 19, 2010, however, the purported "conflict" was created by defendant's stipulated condition to its Rule 68 offer of judgment, that all current plaintiffs must accept the offer of judgment for it to be effective. Further, the Court finds that the information sought in defendant's interrogatories numbers 14-18 appears to be privileged and irrelevant at this time for the reasons stated by plaintiff. Additionally, the information sought in request for production No. 19 appears to be irrelevant at this time, and the information in request for production No. 20 appears to be both privileged and irrelevant at this time.

Accordingly, defendant's request for the information in the above-referenced interrogatories and requests for production is **DENIED**.

IT IS SO ORDERED.

Dated: 05/25/10.
Kansas City, Missouri.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

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