

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

WENDY SINGERY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-0577-CV-W-HFS
)	
JOSE E. LEAL, et al.,)	
)	
Defendants.)	

MEMORANDUM TO COUNSEL

The parties have reported a discovery dispute regarding some of plaintiff's interrogatories to defendants. The court has reviewed their faxed submissions on the dispute. The case involves a motor vehicle/tractor trailer collision on July 22, 2009. In Interrogatory 4 to defendant Jose E. Leal, plaintiff asks for credit card information and requests that Leal execute a credit card authorization for July 12, 2009 to July 22, 2009. Interrogatory 5 to Leal seeks cell phone information and requests that Leal execute a cell phone authorization for July 22, 2009. Defendant Leal argues that the discovery is overbroad based on the complaint's allegations. The court disagrees. The discovery is reasonable and should be answered. To ameliorate any privacy concerns, the court is willing to enter a stipulated protective order if desired by defendant Leal.

The other discovery dispute involves Interrogatory 9 to defendant Inline Trucking, Inc., which requests records of traffic violations and accident history of defendant Leal in the 10 years prior to July 22, 2009. Plaintiff argues that this information specifically goes to Count II, negligent hiring/retention/training. Defendant Inline filed a motion for judgment on the pleadings on the negligent hiring/retention/training claim and argues that Interrogatory 9 should not be allowed

because it supports an improper claim. The court recently granted Inline's motion, and plaintiff's negligent hiring/retention/training claim (Count II) has been dismissed. As a result, defendant Inline is not required to answer Interrogatory 9.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

January 6, 2011

Kansas City, Missouri