

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

ROB CARLSON et al.,

Plaintiffs,

No. CV-05-85-BU-SEH

vs.

ORDER

FEDEX GROUND PACKAGE
SYSTEM, INC., and FEDEX
GROUND PACKAGE SYSTEM,
INC., d/b/a/ FEDEX HOME
DELIVERY,

Defendants.

On September 12, 2012, Special Master, W. Wayne Harper, entered his Findings and Recommendations¹ on Defendant's Renewed Motion to Compel Adequate Responses from Plaintiff Penny Massa (Massa). No objections were filed. The Court reviews the Special Master's findings of fact for clear error, and reviews his conclusions of law *de novo*. Fed. R. Civ. P. 53 (f)(3)-(4).

I find no error in the Special Master's Findings and Recommendations and

¹ Document No. 435

adopt them in full.

ORDERED:

1. Defendant's Renewed Motion to Compel Adequate Responses of Plaintiff Penny Massa to Revised Interrogatory Nos. 4, 6 and 8² is GRANTED in part, and DENIED in part, as follows:

a. The portion of the motion relating to Massa's responses to Interrogatory Nos. 6 and 8 is DENIED as moot as Defendant has acknowledged that Massa's supplemental responses of July 10, 2012, are adequate.

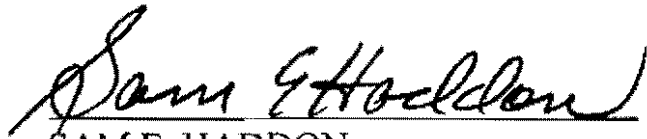
b. The portion of the motion relating to Massa's response to Interrogatory No. 4 is GRANTED to the extent that Massa's proof at trial as to matters within the ambit of Interrogatory No. 4 shall be limited to the specific disclosures and responses provided by her as of September 12, 2012. Massa may not present or offer evidence at trial that alters, contradicts, expands, supplements or otherwise changes such disclosures and responses.

2. The portion of the motion requesting attorney's fees and costs is

² Document No. 228

DENIED. Each party shall bear her or its own fees and costs.

DATED this 5th day of October, 2012.

A handwritten signature in black ink that reads "Sam E. Haddon". The signature is written in a cursive style with a horizontal line underneath the name.

SAM E. HADDON

United States District Judge