

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Forrester Environmental Services,  
Inc. and Keith Forrester

v.

Civil No. 10-cv-154-JL

Wheelabrator Technologies, Inc.

**ORDER**

The defendant's motion for sanctions (document no. 38) is DENIED. Wheelabrator has not shown that discovery sanctions, especially the severe and potentially case-dispositive sanctions requested in its motion, are warranted under Federal Rule of Civil Procedure 37. As to the document requests, the plaintiffs made the ordered production after the applicable deadline, but their brief delay has not prejudiced Wheelabrator. As to interrogatory no. 5, this court understands the plaintiffs' sur-reply as admitting that "the Supply Agreement with Kobin had been terminated in 2006," albeit maintaining their position, set forth in their interrogatory answer, that they did not discover that breach until June 2007.

**SO ORDERED.**

Joseph N. Laplante  
United States District Judge

Dated: April 5, 2011

cc: Erik Graham Moskowitz, Esq.  
Michael J. Markoff, Esq.  
Sibley P. Reppert, Esq.  
Steven E. Grill, Esq.  
Jonathan M. Shirley, Esq.