

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

People's United Bank

v.

Civil No. 11-cv-393-LM

Mountain Home Developers
of Sunapee, LLC, et al.

O R D E R

On March 12, 2012, a telephone conference was held on plaintiff's motion to compel (doc. no. 18); defendants' motion for a protective order (doc. no. 19); and defendants' motion to compel (doc. no. 20). Attorneys Daniel P. Luker and Michael Brendan Doherty appeared for plaintiff, and Attorneys Paul Kfoury, Sr., and Conrad Cascadden appeared for defendants.

Consistent with matters discussed during the telephone conference, the court issues the following orders:

Document No. 18 is granted to the extent that defendants have failed to comply with the requirement laid out in Rule 26(a)(1)(A)(iii) with respect to their initial disclosures of computation of damages. Defendants offered no basis, in law or fact, that justified their refusal to make these initial disclosures. There can be no dispute that plaintiff needs this discovery before the depositions that are scheduled to begin this Thursday. Accordingly, within twenty-four (24) hours of

the entry of this order, defendants shall provide plaintiffs with the initial disclosures of their computation of damages as required in Rule 26(a)(1)(A)(iii). The court holds in abeyance the portion of plaintiff's motion (doc. no. 18) requesting sanctions for defendants' failure to comply with Rule 26(a)(1)(A)(iii) until such time as defendants have an opportunity to file a written objection thereto. The court notes that, during this telephone conference, defendants could offer neither a legal nor factual justification for their failure to comply with Rule 26(A)(1)(A)(iii).

Document no. 19 is denied as defendants could not articulate any good cause for continuing the depositions currently scheduled to begin this Thursday.

Document no. 20 is not ripe, and a ruling on the motion is not necessary prior to the depositions scheduled to begin this Thursday. Thus, the court defers ruling on this motion until it is ripe.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: March 13, 2012
cc: Conrad WP Cascadden, Esq.
Michael Brendan Doherty, Esq.
Paul R. Kfoury, Sr., Esq.
Daniel P. Luker, Esq.