

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ASHLEY IMMING,

Plaintiff,

v.

No. 2:23-cv-0378 GJF/DLM

OSVALDO DE LA VEGA;
MESILLA CAPITAL
INVESTMENTS, LLC;
SOUTHWEST HEALTH SERVICES, P.A.;
and MESILLA CAPITAL INVESTMENTS
de MEXICO, S. de R.L.;

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER is before the Court on the Plaintiff's Motion to Compel requesting that the Court order Defendant Oscar De La Vega ("DLV") to produce a verification related to interrogatories he responded to on January 20, 2023, in *De La Vega v. Commissioner of Internal Revenue*, Doc. No. 10718-20 and that he fully respond to certain Interrogatories and Requests for Documents to Plaintiff's Eighth Set of Discovery to DLV. (Doc. 151.) Plaintiff's Motion further requests that Defendant Mesilla Valley Capital Investments, LLC ("MCI LLC") fully respond to certain Requests for Documents and Requests for Admissions in her Fourth Set of Discovery to MCI LLC. (Doc. 151.) In their Response in Opposition to Plaintiff's Motion to Compel (Doc. 163) Defendants DLV and MCI LLC argue that all documents related to DLV's interrogatory responses in *De La Vega v. Commissioner of Internal Revenue* have been turned over and the verification page does not exist. The Response further asserts that the Plaintiff's motion should be denied because the Interrogatories, Requests for Documents, and Requests for Admission are either premature, or not relevant as to the time frame listed in those requests. On October 25, 2024, the

Court held a motion hearing on the Motion to Compel. (Doc. 183.) For the reasons stated on the record the Court will grant Plaintiff's motion as follows:

I. Discovery Requests to **Defendant DLV**

- a. Request for Production No. 16: Defendant DLV has asserted, and Plaintiff agrees that the verification related to the January 20, 2023, interrogatory response, in *De La Vega v. Commissioner of Internal Revenue*, Doc. No. 10718-20 does not exist and that no further documents related to this specific request need be produced. Thus, no amended response is necessary.
- b. Interrogatory No. 15(sic) 16: DLV **shall supplement** this response specifically identifying exhibits that DLV may offer into evidence at trial.
- c. Interrogatory No. 17(sic) 18: DLV **shall supplement** this response without objection to the time frame.
- d. Request for Documents No. 17: DLV **shall produce** the requested information without objection to the time frame. Any other objection related to the production of documents **shall** include a privilege log.

II. Discovery Requests to **MCI, LLC**

- a. Request for Documents No. 10: MCI LLC **shall produce** the requested information without objection to the time frame. Any other objection related to the production of documents **shall** include a privilege log.
- b. Request for Documents No. 11: MCI LLC **shall produce** the requested information without objection to the time frame. Any other objection related to the production of documents **shall** include a privilege log.
- c. Requests for Admission Nos. 4,5,6, and 7: MCI LLC **shall respond** to the Requests for Admission without objection to the time frame.

III. Attorney's Fees

- a. Defendants' objections to the discovery requests were not substantially justified, and they must pay Plaintiff's attorney's fees related to the Motion to Compel. *See* Fed. R. Civ. P. 37(a)(5)(A)(ii).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (Doc. 151) is **GRANTED**, and consistent with the Court's rulings from the bench at the October 25, 2024 Motion Hearing, Defendants shall provide the following information no later than **14 days**

following the entry of this Order Defendants DLV and MCI LLC shall supplement their discovery responses as outlined above.

IT IS FURTHER ORDERED that Plaintiff shall submit a brief in support of their request for fees and costs and **no later than 14 days following the entry of this order**; unless they indicate their non-opposition to the brief, Defendants **shall respond within 14 days of the brief**; Plaintiff **may reply within 14 days of the response**.

IT IS SO ORDERED.



DAMIAN L. MARTINEZ
UNITED STATES MAGISTRATE JUDGE