

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TWIN COUNTY HVAC/ REFRIGERATION,
LLC,

Plaintiff,

-against-

AHOLD U.S.A. INC., et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the defendants' letter motion dated October 29, 2013, seeking to compel the plaintiff to respond to Defendants' Third Set of Interrogatories. The plaintiff opposes the motion by letter dated October 30, 2013.

By order dated August 21, 2013, despite the plaintiff's opposition, the court extended the discovery deadline to September 27, 2013 for the limited purpose of conducting discovery based upon recently discovered information. In defendants' letter application dated August 19, 2013, defendants stated that based on recently discovered information, they anticipated the need to (1) obtain a complete list of plaintiff's vendors/suppliers between 2006 (year of contract formation) and 2007 (last year in which plaintiff performed work on the contract) and (2) to serve corresponding non-party subpoenas on those entities seeking the information referenced above. The defendants served on August 23, 2013, a third demand for interrogatories, which given defendants' previous two sets of interrogatories, exceeded the number of interrogatories permitted by Fed. R. Civ. P. 33(a)(1). Notably, the parties did not stipulate to expand the number of interrogatories nor did defendants seek leave from the court to serve additional interrogatories. Nevertheless, on August 27, 2013, defendants deposed Michael Boltz and through his deposition received the information requested by the third set of interrogatories, viz. the complete list of plaintiff's vendors/suppliers between 2006 and 2007. Accordingly, defendants' application is denied.

Dated: Central Islip, New York
November 7, 2013

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge