

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

NICK'S GARAGE, INC.,

Plaintiff,

Civil Action No.

5:12-CV-0868 (MAD/DEP)

v.

NATIONWIDE MUTUAL INSURANCE
COMPANY, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

BOUSQUET, HOLSTEIN LAW FIRM
One Lincoln Center
110 West Fayette Street
Suite 900
Syracuse, NY 13202

CECELIA R. CANNON, ESQ.
LAWRENCE ORDWAY, JR., ESQ.

FOR DEFENDANTS:

MURA, STORM LAW FIRM
14 Lafayette Square
930 Rand Building
Buffalo, NY 14203

ROY A. MURA, ESQ.
ERIC T. BORON, ESQ.

ORDER

Currently pending before the court in connection with this action is a

motion brought by the defendants to compel discovery. Dkt. No. 37. In their motion, defendants request an order compelling further responses to two interrogatories. *Id.* Plaintiff opposes defendants' motion arguing that information concerning Interrogatory No. 18. has been provided, and that the information sought in Interrogatory No. 17 is irrelevant to the claims and defenses in the case. Dkt. No. 39.

Oral argument was conducted in connection with defendant's motion on December 5, 2013. At the close of argument I issued an oral decision concerning the motion. Based upon the court's bench decision, which is incorporated herein by reference, it is hereby

ORDERED as follows:

(1) Defendant's motion to compel further compliance with Interrogatory No. 18 is DENIED, as moot.

(2) With regard to Interrogatory No. 17, plaintiff is hereby directed, within fourteen days of the date of this order, to disclose to the defendants' counsel the identity of all technicians and/or mechanics employed at the times of the nineteen repairs at issue in this case were made.

(3) Once those identities are disclosed, defendant shall be permitted to depose, at its option, one of those technicians, for a period not to exceed six hours, at a mutually convenient location in or proximate

to Syracuse, New York.

(4) No costs or attorney's fees are awarded in connection with defendants' motion to compel.

(5) The clerk is respectfully directed to promptly forward copies of this order to the parties, electronically, pursuant to this court's local rules.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: December 17, 2013
Syracuse, NY