

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-CV-00238-MOC-DSC**

DOUGLAS R SMITH, et. al.,)
)
 Plaintiffs,)
)
 v.)
)
 AVERY CHAPMAN, et. al.,)
)
 Defendants.)

ORDER

THIS MATTER is before the Court on Defendants’ “Omnibus Motion to Compel Answers/Substantive Responses to Requests for Admissions, Requests for Production, and Interrogatories and Motion to Overrule Objections to Same” (document #88) and Defendants’ “Omnibus Motion to Compel Production of Documents Subject to Subpoenas Duces Tecum, to Overrule Objections to Same, and to Deny Motions to Quash Same” (document #98), as well the parties’ briefs and submissions.

These Motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and are now ripe for the Court’s consideration.

The Court has carefully reviewed the record, authorities and the parties’ arguments. The Court will deny both Omnibus Motions without prejudice as detailed below.

With regard to Defendants’ Omnibus Motion to compel discovery, the Court finds that their requests are timely and that the discovery period has been extended until September 4, 2015. The Case Management Order clearly states the number of discovery requests that each party may serve upon each opposing party. See Case Management Order (document # 45). The Court cannot

rule on discovery issues based upon a few examples cited by counsel. However, the Court has reviewed the examples cited and finds some of Defendants' discovery requests to be burdensome and irrelevant. The Court also finds that Plaintiffs' across the board objections to each and every discovery request are unreasonable. Specific objections must be made to specific discovery requests. Consequently, the Court will deny without prejudice Defendants' "Omnibus Motion to Compel Answers/Substantive Responses to Requests for Admissions, Requests for Production, and Interrogatories and Motion to Overrule Objections to Same" (document #88).

With regard to Defendants' Omnibus Motion regarding documents subject to subpoena, the Court cannot rule absent specific objections and responses as to each subpoena. The Court will deny without prejudice Defendants' "Omnibus Motion to Compel Production of Documents Subject to Subpoenas Duces Tecum, to Overrule Objections to Same, and to Deny Motions to Quash Same" (document #98).

If the parties contend that any responsive documents are confidential, they shall be produced pursuant to a protective order negotiated by the parties. If the parties are unable to agree on a protective order, they should file a motion for entry of protective order along with their respective proposed orders. If the parties contend that any documents are covered by attorney-client or attorney work product privileges, they shall serve a privilege log on the opposing party.

While the Motion to Amend Counterclaims and Affirmative Defenses was granted, the floodgates have not opened. The Court reminds counsel that the Federal Rules of Civil Procedure mandate that they manage the discovery process themselves, and make collegial and reasonable efforts to resolve all disputes rather than serving blanket objections and submitting them to the Court for resolution. Disputes about routine discovery issues should not require Court

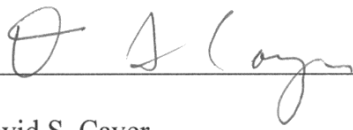
intervention. The Court expects counsel to work cooperatively on these matters and employ motions as a last resort.

The parties will bear their own expenses at this time.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: June 16, 2015

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

