

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES R. SWARTZ, JR., et al., ) Case No. 1:12CV3112  
 )  
 Plaintiffs, )  
 )  
 vs. ) JUDGE CHRISTOPHER BOYKO  
 ) (Magistrate Judge Nancy A. Vecchiarelli)  
 MARK A. DiCARLO, )  
 )  
 Defendant )  
 )  
 )  
 ) MEMORANDUM  
 ) AND ORDER

VECCHIARELLI, Mag. J.

The court held a telephone conference today on the discovery disputes between the parties.

Concerning the Motion for Protective Order (doc. 110), plaintiffs volunteered that approximately 83 of the Requests for Admissions propounded to Vilma and James Swartz were appropriate, and would be answered. There were objections to the remainder of the approximately 200 Requests, on various grounds. Defendant Di Carlo agreed to accept responses to the approximately 83 uncontested Requests for Admissions, and to withdraw the remainder. Plaintiffs will provide their answers to Di Carlo on or before Friday, June 6, 2014.

Plaintiffs will ascertain whether they received Requests for Admissions for Toni Marie, which Di Carlo sent to counsel in early April. If they have not been received, Di Carlo will re-send.

The Motion for Protective Order (doc. 110) is thus DENIED as moot in light of the parties' understanding.

As to the discovery dispute concerning Plaintiffs' Interrogatories and Requests for Production of Documents, brought to the court's attention on May 13, 2014, the court ruled that subparts of interrogatories that relate to a single common theme (as exemplified in the subparts detailing the word "identify") are not counted as separate interrogatories. Definitions of words in the preamble to written discovery requests are appropriate. In addition, interrogatories that refer to an earlier interrogatory are not improper. However, plaintiffs are limited to twenty-five (25) interrogatories, as specified in Civil Rule 33. Plaintiffs had propounded thirty-two interrogatories, thus the court ordered that seven (7) be withdrawn. The plaintiffs shall notify defendant by the end of business on Tuesday, May 27, 2014, which seven interrogatories are being withdrawn. Defendant will submit his responses within fourteen (14) days of that. Di Carlo represented that he would sign his discovery responses.

Other miscellaneous matters pertaining to discovery were placed on the record. The court urged the parties to confer by telephone promptly concerning any future objections to minimize delay in moving the discovery process forward. The

undersigned will retain jurisdiction over the discovery disputes discussed in the telephone conference, should any future disputes arise concerning those issues.

IT IS SO ORDERED.

Dated: May 23, 2014

/s/ Nancy A. Vecchiarelli  
Nancy A. Vecchiarelli  
United States Magistrate Judge