

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JACQUIN CLIFFORD, *et al.*,

Plaintiffs,

vs.

Civil Action 2:13-cv-853  
Judge Watson  
Magistrate Judge King

CHURCH MUTUAL INSURANCE COMPANY,

Defendant.

OPINION AND ORDER

Plaintiffs seek a declaratory judgment that insurance policies issued by defendant cover an injury or loss caused by defendant's alleged insured, Lonnie J. Aleshire, Jr., as reflected in a money judgment obtain by plaintiffs against Mr. Aleshire. This matter is before the Court on *Plaintiffs' Motion for Informal Discovery Telephone Conference With Magistrate Judge King*, ECF 50 ("*Plaintiffs' Motion*"). Plaintiffs represent that the parties have reached impasse regarding defendant's responses to plaintiffs' third request for production of documents; plaintiffs believe that "a conference with this Court would hopefully clarify the responsibilities of the parties." *Id.* at 2-3 (citing *Declaration of Chelsea L. Berger*, attached thereto). Although defendant has not responded to *Plaintiffs' Motion*, (the deadline for responding has not yet passed), plaintiffs attach correspondence from defense counsel indicating that defendant does not believe that a dispute exists and disagree that a

conference with the Court is warranted. *Id.* at 2 (citing *Exhibit 4*, attached thereto).

By way of background, plaintiffs served their third request for production of documents on June 2, 2014. *Id.* at 2 (citing ECF 46-2, *Plaintiffs' Third Request for Production of Documents to Defendant Church Mutual Insurance Company*). In a response dated June 23, 2014, defendant characterized that document request No. 66<sup>1</sup> as "hopeless," "overbroad and vague" and "impossible to answer." *Id.* at 2-3 (citing *Exhibits 2, 3 and 4*, attached thereto). Plaintiffs observed that this response "did not indicate that there were no documents in existence that were responsive to Request 66." *Id.* at 3 (citing *Exhibit 3*, attached thereto). After plaintiffs advised defendant of perceived deficiencies in defendant's responses, defendant served "a whole new version of responses to Plaintiff's Third Request, indicat[ing] that the wrong version had allegedly been sent prior." *Id.* at 2. Defendant's revised response to document request No. 66 objects to the request as, *inter alia*, "hopelessly vague and ambiguous" and "hopelessly overbroad," but goes on to represent that "Church Mutual does not have any documents that address or purport to address any ambiguous language in the insurance policies issued by Church Mutual to Licking Baptist Church." ECF 48, pp. 7-8. *See also Exhibit 4, PAGEID #:927* attached to *Plaintiff's Motion* (email from defense counsel dated July 24, 2014, stating, *inter alia*, that "Church Mutual does not have documents responsive to Request 66.").

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<sup>1</sup> Document request no. 66 seeks "copies of any and all notes, correspondence, memoranda, or other documents pertaining to any area(s) of ambiguity listed above in the [insurance] policies from 2000 to 2007." ECF 48, p. 7.

Plaintiff believes that there is "a high likelihood" that defendant either did not diligently search for documents responsive to document request No. 66 or is withholding responsive documents because (1) defendant's earlier objected to that document request No. 66 as "impossible to answer"; and (2) defendant's "original" response "did not indicate that there were no documents in existence that were responsive to Request 66." *Plaintiff's Motion*, p. 3.

This Court disagrees. Defense counsel has made the professional representation that no documents responsive to document request No. 66 exist. See ECF 48; *Exhibit 4*, attached to *Plaintiffs' Motion*. Plaintiffs have offered no reason for the Court to conclude that defendant's counsel have failed to meet their obligations under *Bratka v. Anheuser-Busch Co.*, 164 F.R.D. 448 (S.D. Ohio 1995). Under these circumstances, a discovery conference to "clarify the responsibilities of the parties" as they relate to plaintiffs' document request No. 66 is unwarranted.

**WHEREUPON**, *Plaintiffs' Motion for Informal Discovery Telephone Conference With Magistrate Judge King*, ECF 50, is **DENIED**.

July 30, 2014

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge