

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CARIN MILLER,

Plaintiff,

Case No.: 3:13-CV-090

vs.

EXPERIAN INFORMATION  
SOLUTIONS, INC., *et al.*,

Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

Defendants.

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**ORDER**

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This is a Fair Credit Reporting Act (“FCRA”) case assigned to the undersigned. *See* 28 U.S.C. §1681, *et seq.* Multiple defendants have settled, leaving the credit reporting agency Trans Union, LLC as the sole remaining defendant. *See* docs. 45, 56.

On June 20, 2014, the Court heard oral arguments -- in open court and by counsel for both sides -- relative to multiple discovery disputes pending here. Recognizing that counsel were proceeding the same day to mediation, the Court took the discovery matters under submission. The Court was advised thereafter that the case did not settle, and counsel were then ordered to brief the discovery issues. *See* doc. 47. The Court is now in receipt of, and has fully considered, responsive briefs by Plaintiff (docs. 49, 52) and Trans Union (docs. 50, 53) setting forth the discovery issues for review.

**I.**

**A. Trans Union’s Discovery Concerns**

Having considered all four briefs in question, the Court finds Trans Union complains, as a general matter, that Plaintiff has not fully complied with the Court’s June 4, 2014 Discovery Order (doc. 38). More specifically, Trans Union seeks:

1. A timeline which details Plaintiff's allegations against Trans Union and sets forth in detail the acts and/or omissions alleged against Trans Union;
2. Plaintiff's responses to: (a) Trans Union's Interrogatories Nos. 15 and 17; (b) Trans Union's Request for Production of Documents Nos. 13, 14, 15 and 18; and (c) Trans Union's Request for Admission No. 33;
3. Five unspecified documents which are referenced in Plaintiff's Amended Complaint, but which have yet to be produced by Plaintiff to Trans Union. *See* doc. 50 at PageID 633 (describing the five documents); and
4. A date for Plaintiff's deposition; and, if that deposition cannot be scheduled soon, an extension of the Discovery Deadline.

#### **B. Plaintiff's Discovery Concerns**

Plaintiff, on the other hand, seeks:

1. Responses by Trans Union to Plaintiff's Interrogatory Nos. 4 through 15 and Plaintiff's Request for Production of Document Nos. 1 through 15; and
2. Deposition dates for one or more Trans Union representatives.

#### **II.**

Having fully considered the matters presented, the Court **ORDERS** as follows:

##### **A. Discovery Sought by Trans Union and Deposition Dates**

###### **1. Timeline:**

On or before August 1, 2014, Plaintiff shall supplement the timeline (which can be found at Doc. 50-8, Page ID 683-84) with any and all facts relevant to her claims against Trans Union;

**2. Trans Union's Interrogatories Nos. 15 & 17:**

Interrogatory 15 concerns “whether any claims or legal proceedings have been made by or against you in the last ten years....” Doc. 50-1 at PageID 647. This Interrogatory seeks relevant, non-privileged information and shall be answered on or before August 1, 2014.

Interrogatory 17 concerns “requests to any person...for payments...in connection with...the matters involved in this lawsuit.” *Id.* The Court agrees with Plaintiff that this request is vague, and it need not be answered. This topic may be inquired into, however, by counsel for Trans Union during Plaintiff's deposition.

**3. Trans Union's Requests for Production Nos. 13, 14, 15 and 18:**

RFPD 13 concerns financial records and tax documents for the past ten years. Doc. 50-2 at Page ID 654. The Court believes five years is a more appropriate limitation. The Court finds the request for financial records overly broad, but directs Plaintiff to produce her personal tax returns, for the past five years, on or before August 1, 2014.

RFPD 14 concerns “payments or benefits of any kind...sought in connection with...the matters involved in this suit.” *Id.* at PageID 655. The Court finds this request, as drafted, vague. Trans Union may inquire into this topic, however, during Plaintiff's deposition.

RFPD 15 concerns criminal conviction(s) by Plaintiff or “any person identified...as having knowledge of relevant facts....” *Id.* at PageID 655. The Court limits this RFPD to Plaintiff only, and directs that responsive documents, if any, be produced by August 1, 2014.

RFPD 18 concerns “claims or suits relating to...credit reporting which have been made by or against you in the last ten years.” *Id.* The request is reasonable, and responsive documents shall be produced by August 1, 2014.

**4. Trans Union's Request for Admission No. 33:**

RFA 33 seeks Plaintiff to admit or deny that Trans Union's "reinvestigation(s) of your dispute(s)...were reasonable." This Request for Admission seeks a legal conclusion, not a question of fact, and need not be answered. *See, e.g., U.S. v. Petroff-Kline*, 557 F. 3d 285, 293 (6th Cir. 2009) citing 7 *Moore's Federal Practice* § 36 at 36-26 (3d ed. 2008) ("[P]ure requests for opinions of law [are] not contemplated by [Rule 36]. Nor are requests seeking legal conclusions appropriate when proceeding under Rule 36.").

**5. Five Documents Referenced in Plaintiff's Amended Complaint:**

All documents referenced in Plaintiff's Amended Complaint, if in Plaintiff's possession and/or control, shall be produced to Trans Union by August 1, 2014.

**6. Deposition Dates:**

Counsel have not advised the Court when depositions are to occur here. The Court directs that all depositions shall occur on or before September 15, 2014. Counsel shall work cooperatively together to schedule any and all depositions. The Court is not inclined, at this time and based on the record before it, to continue or amend the September 30th Discovery Deadline.

**B. Discovery Sought by Plaintiff**

**1. Plaintiff's Interrogatories Nos. 4 through 15:**

The Court has carefully reviewed all of Trans Union's objections to Plaintiff's Interrogatories 4 through 15. *See* doc. 49-1 at PageID 590-97. Having fully considered the claims here at issue, the Court agrees with Trans Union that each Interrogatory in question appears to seek information outside the scope of Rule 26. Accordingly, Trans Union need not answer these Interrogatories. If Plaintiff believes these are reasonable avenues of inquiry, Plaintiff may ask such questions during the depositions of Trans Union deponents.

**2. Plaintiff's Request for Production of Documents 1 through 15:**

Requests for Production 1, 2, 3, 4, 5, 7, 8, 10, 11 and 13 each reasonably concern the claims here at issue and Trans Union's conduct regarding Plaintiff. Responsive documents, accordingly, shall be produced by Trans Union by August 1, 2014.

Requests 6, 9, 12, 14 and 15 are either not tailored to the claims here at issue or do not directly concern Plaintiff. Accordingly, responsive documents need not be produced. Plaintiff may reasonably inquire, however, into the topics raised by these Requests for Production during the deposition of Trans Union deponents.

**IT IS SO ORDERED.**

July 21, 2014

s/ **Michael J. Newman**  
United States Magistrate Judge