

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

TRC ENVIRONMENTAL CORPORATION, A Connecticut Corp., Plaintiff, vs. QUODDY BAY LNG, LLC an Oklahoma Limited Liability Company; DONALD M. SMITH, an individual; and BRIAN W. SMITH, an individual, Defendants. Case No. CIV-10-62-C

MEMORANDUM OPINION AND ORDER

After a failed business relationship, Plaintiff filed the present action alleging breach of contract and quantum meruit against Defendants. Arguing that Defendants Donald and Brian Smith should be held personally liable, Plaintiff seeks to pierce the corporate veil that would normally shield the individuals from liability. In an attempt to gain evidence to support its arguments, Plaintiff served discovery on Defendants. Defendants objected to certain of the requests arguing the information sought was not discoverable. After the parties were unable to resolve their differences, Plaintiff filed the present Motion seeking an Order from the Court compelling responses. Objecting to Plaintiff’s Motion, Defendants argue that Plaintiff has failed to demonstrate a basis for piercing the corporate veil and therefore the discovery targeting the Smith Defendants is improper.

Defendants’ arguments misapprehend the nature of discovery. It is not necessary that information sought be admissible. Rather, the Federal Rules of Civil Procedure limit

discovery to relevant information which, if not admissible, is at least reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b)(1). In its brief, Plaintiff has demonstrated that the discovery it seeks is relevant and at a minimum reasonably calculated to lead to admissible evidence. Consequently, Defendant is obligated to produce appropriate responses to that discovery.

For the reasons set forth herein, Plaintiff's Motion to Compel Defendants to Make Disclosures Required by Rule 26\* and to Properly Respond to Interrogatories and Requests for Production (Dkt. No. 65) is GRANTED. Defendants shall provide full and complete response within 20 days of the date of this Order.

IT IS SO ORDERED this 21st day of June, 2011.

  
ROBIN J. CAUTHRON  
United States District Judge

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\* To the extent Plaintiff seeks material it claims should have been disclosed pursuant to Fed. R. Civ. P. 26(a), from review of the exhibits, it appears Plaintiff has subsequently tendered a formal discovery request seeking the same information. Accordingly, the Court has addressed only the discovery requests.