

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID E. KATES,

Plaintiff,

v.

C.O. ROBERT PACKER, et al.,

Defendants.

CIVIL ACTION NO. 3:13-cv-01525

(CAPUTO, J.)

(SAPORITO, M.J.)

**ORDER**

AND NOW, this 21<sup>st</sup> day of July, 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The plaintiff's motion to compel (Doc. 215) is **GRANTED in part and DENIED in part;**

2. The defendants' objections are **OVERRULED** and the plaintiff's motion to compel is **GRANTED** with respect to **Interrogatories No. 5, 7, and 8;**

3. Within **seven (7) days** after the date of this Order, the defendants shall serve the plaintiff with a supplemental answer to **Interrogatories No. 5, 7, and 8**, providing the requested information as outlined in the accompanying Memorandum;

4. Within **seven (7) days** after service of the defendants'

supplemental answer to Interrogatories No. 5, 7, and 8, the plaintiff may file a supplemental brief in opposition to summary judgment and a supplemental counter-statement of material facts, strictly limited to facts ascertained from the defendants' supplemental answer to Interrogatories No. 5, 7, and 8;

5. If the plaintiff opts to file a supplemental brief in opposition to summary judgment, the defendants may file a reply within **seven (7) days** after service of the plaintiff's supplemental brief;

6. The defendants' objections are **SUSTAINED in part** and the plaintiff's motion to compel is **DENIED in part** with respect to **Document Request No. 1**, with a ruling on documents regarding investigation of defendant Packer **DEFERRED** pending the *ex parte* production of responsive documents concerning the Packer investigation to the Court for *in camera* inspection;

7. Within **fourteen (14) days** after the date of this Order, the defendants shall produce any responsive documents concerning the Packer investigation to the Court for *in camera* inspection, together with a properly supported memorandum of law and an affidavit or declaration outlining the basis for their position that these documents

should be withheld from the plaintiff based on institutional security—  
these materials shall be submitted to chambers *ex parte* as outlined in  
the accompanying Memorandum; and

8. The defendants' objections are **SUSTAINED** and the  
plaintiff's motion to compel is **DENIED** with respect to **Document**  
**Requests No. 3, 4, 5, and 9.**

***s/ Joseph F. Saporito, Jr.***  
**JOSEPH F. SAPORITO, JR.**  
United States Magistrate Judge