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2 The federal rules impose clear duties to disclose in response to formal discovery
3 requests and are ordinarily “accorded a broad and liberal treatment.” Hickman v. Taylor, 329
4 U.S. 495, 507 (1947). Parties may be compelled to produce evidence “regarding any
5 nonprivileged matter that is relevant to any party’s claim or defense” or “if the discovery appears
6 reasonably calculated to lead to the discovery of admissible evidence.” FRCP 26(b)(1). The
7 liberal discovery rules serve “the integrity and fairness of the judicial process by promoting the
8 search for truth.” Shoen v. Shoen, 5 F.3d 1289, 1292 (9th Cir. 1993).

9 Plaintiff is withholding financial documents requested by the subpoena, asserting
10 that the documents are neither relevant to defendant’s defense nor reasonably calculated to lead
11 to the discovery of admissible evidence. However, plaintiff concedes that the requested
12 documents are relevant if “it is Laurie Luckovich’s contention that some portion of the funds or
13 assets that are alleged to have been received by one or more of the defendants was in fact
14 delivered to Larry Lynott instead.” Dkt. # 27 at 5. Defendant makes this precise claim, stating:
15 “Plaintiff gave Larry \$50,000 for investment in Patco, which Plaintiff claims Ms. Luckovich
16 received and he should now recover from her.” Dkt. # 30 at 6. The requested financial
17 documents relate to defendant’s defense and thus meet the relevancy standard under FRCP
18 26(b)(1).

19 Moreover, plaintiff’s financial transactions with his son are relevant to defendant’s
20 defense against plaintiff’s assertion that he was vulnerable¹ and susceptible to undue influence.²
21 Defendant can rebut plaintiff’s claim of undue influence with evidence demonstrating that
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23 ¹ For example, plaintiff claims he was “single, advancing in age, in need of assistance in his
24 retirement years, and vulnerable” Dkt. # 1 at 11.

25 ² “Undue influence has been described as tantamount to force or fear which destroys free
26 agency and constrains him to do what is against his will.” In re Melter, 167 Wn. App. 285, 306 (2012)
(internal quotation marks and citations omitted).

1 plaintiff “was acting independently.” Kitsap Bank v. Denley, 177 Wn. App 559, 579 (2013).
2 Plaintiff’s financial transactions with his son are relevant as to plaintiff’s mental capacity and
3 ability to effectively manage his affairs. The financial documents are therefore relevant under
4 FRCP 26(b)(1) as to whether defendant exercised undue influence.

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6 For all of the foregoing reasons, the Court finds that plaintiff has not shown good
7 cause for a protective order. The motion for protective order and request to prohibit defendant
8 from inquiring into financial transactions during Larry Lynott’s deposition are therefore
9 DENIED. Plaintiff shall, within seven days of the date of this Order, respond to the outstanding
10 discovery.

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12 Dated this 31st day of July, 2014.

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14 Robert S. Lasnik
15 United States District Judge
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