

1 HONORABLE RONALD B. LEIGHTON
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

11 ADVOCARE INTERNATIONAL, L.P., a
12 Texas limited partnership

12 Plaintiff,

13 v.

14 RICHARD PAUL SCHECKENBACH, et al.,

15 Defendants.

Case No. C08-5332 RBL

ORDER DENYING BROWN
DEFENDANTS' MOTION TO COMPEL

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17 This matter is before the Court on the Brown Defendants' Motion to compel answers to
18 Interrogatories. [Dkt. #151.]

19 The Brown Defendants seek answers to Interrogatory Nos. 1, 2, 3, 4, and 5, which are broad contention
20 interrogatories, seeking all evidentiary support for the Plaintiff's allegations that various transactions were
21 fraudulent. The Plaintiff's allegations (and the Brown Defendants' Motion to Compel) relate to a 2004 stock
22 sale; a gift of an interest in Ilcervello Properties LLC; a \$950,000 transfer to Gillette; wages paid to the
23 Browns; and various other transfers to and from the Browns. The Browns claim, and argue that they have
24 demonstrated, that each transfer was legitimate. They argue that their interrogatories required the Plaintiffs
25 to "describe and identify with particularity the factual basis (or produce documents supporting) its allegations
26 to the contrary of Plaintiff's "legitimacy" claims. Based on this, they argue that the objections and answers
27 given thus far by the Plaintiffs are deficient.

28 Plaintiffs respond that the interrogatories are overly broad "contention" interrogatories, and that its

1 objections to them were there for proper and should be sustained. It argues that its responses are sufficient,
2 and that the Brown Defendants' complaints about them relate to the weight of the evidence, not its sufficiency.
3 Finally they argue that the evidence produced thus far does support their "fraudulent transfer" allegations.

4 As the Plaintiffs correctly argue,

5 Numerous federal courts have held that contention interrogatories which "systematically
6 track all of the allegations in an opposing party's pleadings, and that ask for 'each and
7 every fact' and application of law to fact that supports the party's allegations are an abuse
8 of the discovery process because they are overly broad and unduly burdensome." *Lucero v.*
9 *Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007); *see also Olson v. City of Bainbridge Island*,
2009 WL 1770132 *4 (W.D. Wash. June 18, 2009)(Upholding "overly broad" objection to
contention interrogatory which requested "all facts and all evidence" supporting a
particular allegation).

10 The Brown Defendants' discovery requests are in fact overly broad.

11 Furthermore, Plaintiff has sufficiently responded to them. The narratives included in the Answers
12 themselves, and in pleadings referenced by the Plaintiff (including its arguments in connection with the
13 present Motion) are more than adequate for the Brown Defendants to defend the claims asserted against
14 them. In effect, the Brown defendants' effort to Compel further responses to their contention
15 interrogatories is an attempt to prevent the plaintiff's from using any evidence or argument, other than that
16 already provided, in support of their fraud allegations. This is beyond the proper scope of discovery
17 requests. The Court will not Compel further Responses to the Brown Defendants' Interrogatory Nos. 1,
18 2, 3, 4, and 5. If and to the extent there are later issues regarding evidence which was sought and not
19 produced, they will be addressed at that time.

20 The Motion to Compel [Dkt. #151] is DENIED.

21 **IT IS SO ORDERED.**

22 IT IS SO ORDERED this 24th day of September, 2009.

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24 RONALD B. LEIGHTON
25 UNITED STATES DISTRICT JUDGE
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