

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

RODNEY RIGSBY, CATHERINE CONRAD
and QUINCY M. NERI,

Plaintiffs,

v.

CHRIS MISCIK, BRUCE BERNDT, BERNDT, CPA,
MICHAEL RILEY and AXLEY BRYNELSON, LLP,

Defendants.

ORDER

14-cv-23-bbc

Pro se plaintiffs Catherine Conrad and Quincy Neri have filed a motion to compel discovery from defendants Bruce Berndt and Berndt, CPA. Dkt. 187. (Plaintiff Rodney Rigsby did not join the motion.) The parties disagree whether plaintiffs complied with the requirement in Fed. R. Civ. P. 37 to confer in good faith with defendants before filing this motion, but I need not resolve that issue because plaintiffs have made no showing that they are entitled to the relief they are requesting.

The first problem is that it is not clear what plaintiffs want the court to do. They say that they want the court to order defendants “to re-submit Plaintiffs’ discovery requests immediately,” but they do not identify any particular requests or develop an argument regarding why defendants’ response to a particular request was inadequate. Later in their motion they refer obliquely to “insurance policies,” but they provide no details.

In any event, plaintiffs have not even attempted to explain why they are entitled to any discovery that defendants have failed to provide. Plaintiffs make a conclusory assertion that their discovery requests “are not unduly burdensome,” but we don’t even reach that consideration if the information sought is not reasonably calculated to lead to the discovery of

admissible evidence or if defendants have already responded adequately to plaintiffs' requests. Fed. R. Civ. P. 26(b)(1). Nothing in plaintiffs' opening or reply briefs suggests that defendants have refused to provide information that could help plaintiffs prove their claim that defendants breached a fiduciary duty to plaintiffs. Accordingly, I am denying their motion to compel.

ORDER

It is ORDERED that the motion to compel filed by plaintiffs Catherine Conrad and Quincy Neri, dkt. 187, is DENIED.

Entered this 14th day of January, 2015.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge