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Applicable law

The Federal Rules of Civil Procedure apply to cases filed in federal law

1. P's motion to compel further responses to her interrogatories to Grocery

The parties are limited to 25 interrogatories in federal court under the FRCP. Here, P filed her complaint accompanied by 26 interrogatories. Thus, P exceeded the limit number of interrogatories allowed in federal court. Thus, the court should exclude any interrogatories that exceed the limit and will likely exclude at least one interrogatory based on the reasons discussed below.

Further interrogatories that are immaterial, request scandalous or redundant information, or that would be too burdensome for the other party to obtain should not be permitted. Further, the parties may only serve other parties (not witnesses or third parties) with interrogatories. Here, the first interrogatory ask for the name of every Grocery employee who worked on construction of the soda display and every soda company employee who did so. Depending on how long Grocery has been in business and hiring people first part of the interrogatory could be very burdensome and the court may agree with G's contention that this burden is too heavy to be met at discovery where no other decisions have been made regarding the elements of the cause of action, which in this case is negligence. Moreover, the second part of the interrogatory was served on a non-party, the soda company. The second part of the interrogatory must also be excluded since third parties cannot be served interrogatories. Had Grocery filed an impleader at the commencement of the proceedings though, the soda company would have been a party who could have been served an interrogatory.

2. Grocery's motions to compel

A court may compel the plaintiff to be submitted to mental and physical examinations where there are at issue.

Here, Grocery filed a motion to compel an order requiring P to submit to submit to mental and physical examinations. Since P is claiming damages for her pain and suffering (personal injury), and lost wages, which are special damages that must be plead with particularity, P should have presented clear and convincing evidence about these to start with. A request for mental and physical examination of the P is normally granted by the court where the P's mental and physical state are at issue and there is no other means of obtaining such evidence. Other less burdensome means would for example such as when copies of P's hospital/medical records,

records from his therapist, or a testimony by his family doctor for example.

Nothing indicates that P presented evidence supporting the claims for special damages (pain and suffering and lost wages), which should be supported by clear and convincing evidence that she suffered actual mental and physical damages in order for the damages to be calculated. The court will not rule to compel P for such examination. To the contrary, the court will simply dismiss P's claims that it is entitled to special damages where no evidence of these were presented by the plaintiff.

Moreover, Grocery request all of P's tax returns since 1995. The facts occurred in 2015. Grocery is requesting records that go back to 10 years. Under the federal rules under the Internal Revenue Service, a person is only required to keep records of his/her income tax returns for the past 5 years. Thus, the court will likely find that a request for 10 years retroactively is unreasonable given the federal guidelines, as well as likely immaterial, and will not grant this motion to compel.

3. Grocery's response to P's interrogatory about its experts

P asked the name and the opinions of all experts hired by

4. Grocery's assertion of privilege with regard to Xavier

Under the Federal Rules of Evidence, evidence obtained in anticipation of litigation is privileged; evidence obtained not in anticipation of litigation is not privileged and the party may be compelled to present it in case the balance favors admitting such evidence. Grocery hired an expert before P filed the lawsuit. His findings were unfavorable and Grocery has not identified. The court will likely sustain Grocery's assertion of privilege.

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