

Re: *Lopez v. Bloom Residential, LLC*
Civil Action File No.: 12A34567

Dear Attorney Doe:

After reviewing Defendant's Responses to Requests for Production, I do not believe that the responses I have received represent a good faith effort to provide discovery. I'm outlining my concerns with your objections below in hopes that we can move forward amicably without the need to involve the Court further.

In response to Request Number 1, you write that the information sought is "overly broad" and "unduly burdensome" because it "seeks information and numerous documents for a period of six years." This is an irrelevant objection. I have stipulated a time frame of six years because that is the length of time that your client owned and operated the property at issue. The information that I seek in this interrogatory will allow the fact-finder to see trends in your clients' income, budget, and expenditures which will provide invaluable context to determine whether or not your clients responded reasonably to the threat of criminal activity on their property. The time frame of six years is needed to compare and contrast your clients' security budget with the increase of criminal activity over time. This time frame is reasonably restricted to discover only the information relevant to the central issue in this dispute.

That this information may be voluminous is also irrelevant – I assume that the number of documents recovered will be significant in quantity because of the breadth and scope of the information requested. However, a discovery request is not overly broad or unduly burdensome simply because it will yield a voluminous product.

You also write that the term "responsive to" is vague in that it does not clearly denote which documents are being sought. This objection ignores the rest of the information in the interrogatory, which clearly describes the information that I request when read in context. First, the discovery request begins with "*all* documents in Defendants' possession." "All" means every single one. Every file in your clients' possession, excluding nothing. The sentence then lists the topics to which "all documents" refers: "purchasing, profit sharing, management, operations, budget, and due diligence." This list restricts the meaning of the noun phrase "all documents." The sentence then lists a time frame "2015 to the present," which even further limits the meaning of the phrase. So, in response to your objection, in this Request I am simply seeking every document related to, concerning, or having anything to do with Defendants' purchasing, profit sharing, management, operations, budget, and due diligence in regard to the subject property from 2015 to today.

Your final objection to my first Request is that it seeks information "that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence in this case as it seeks, in part, broad financial information *which may not be relevant* to Plaintiff's specific claims in this case." To be clear, this objection states that the information in my Request is not relevant or calculated to lead to admissible evidence because it seeks "broad financial information *which may not be relevant*" to my client's claims. First, I would like to point out that – despite previously arguing

that this Request is vague – in this part of the interrogatory you recognize that you do, in fact, understand what information is being sought. Secondly, you cannot refuse to turn over documents because they “may not be relevant” to my client’s claims. The purpose of the discovery process is to unveil documents that are reasonably calculated to provide relevant information. That not all documents will provide such information was a conclusion that our General Assembly considered before sanctioning the sweeping breadth of the discovery process. It is not the job of opposing counsel to refuse a discovery request because, in his opinion, it *may not be relevant* to the claim. It is counsel’s job to turn over the documents requested, and the Court’s job to determine what is relevant and what is not.

Your objection to Request Number Two largely mirrors your objection to Request Number One. You first argue that the Request is “overly broad and unduly burdensome” because it spans a six-year time frame. Again, this is the time frame during which your client owned and operated the property, making the information contained in documents from this period highly relevant to the matters at issue. Also, as I stated before, the fact that a discovery request will yield a large number of documents does not make it overly broad or unduly burdensome.

Your objection goes on to state that the term “correspondence regarding documents” is unclear. Taken out of context, it certainly is. However, when read within the context of the sentence, it is clear that the term “documents” is defined by those pertaining to the “purchasing, profit sharing, management, operations, budget and due diligence” of the subject property. The term “correspondence” should be given its usual definition, which is communication by exchange of letters, emails, or any communication memorialized in written form. Therefore, the phrase “correspondence regarding documents” means any written communication regarding the purchasing, profit sharing, management, operations, budget, or due diligence concerning the subject property exchanged between your clients and the people and entities included in the Request between 2015 and today.

Finally, you object to this interrogatory on the basis that the phrase “correspondence regarding documents” is unclear or vague in regard to the phrase “between Defendants and the following entities and individuals.” This is the most puzzling part of your objection. The thirteen entities and individuals that this Request addresses are listed below the Request. Some of these names refer to individual people, i.e., a single human being, and some refer to entities, i.e., an organization created by an individual or group of individuals for the purposes of conducting business (e.g., a sole proprietorship, a partnership, a corporation, or a limited liability company). In summation, this interrogatory seeks written communication between your client and the thirteen individuals and business entities included in the interrogatory that concern purchasing, profit sharing, management, operations, budget, and due diligence of the subject property.

Your objection ends by stating that “Defendants are not aware of documents responsive to this request.” This response is illogical– either you understand what documents I am seeking and are not aware of having them, or you do not understand what documents I am seeking and therefore could not be aware of whether your client is in possession of such documents. It cannot be both.

The responses that I've received tend to highlight the number of times that I have requested information from you – *nine times*. There seems to be an underlying assumption that my repeated requests are made in an attempt to frustrate; they are not. I have repeated – and will continue to repeat – the same discovery requests because the information I require is relevant to the controversy at hand and has not yet been provided as required by law.