

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

JAMES J. KAUFMAN,

Plaintiff,

v.

MATTHEW FRANK,, *et al.*,

Defendants.

ORDER

06-C-205-C

Before the court is plaintiff's most recent motion to compel discovery (dkt. 45), to which the state responded with a specific opposition (dkt 46) and a motion for discovery limitations (dkt. 47). Plaintiff did not file a response to the state's motion. I am denying plaintiff's motion and I am granting the state's motion.

Plaintiff wants the court to compel better responses to his November 9, 2006 requests for production of documents (RFPs) 1, 2 and 9.

RFP 1 seeks "any documents which may show that magazine publishers send receipts for one-time magazine purchases." RFP 2 seeks "any documents which may show that magazine publishes send receipts for magazine subscriptions." Defendants' response to both RFPs that they have no responsive documents.

Plaintiff challenges these assertions, claiming that defendants Frank and Oliverson stated in interrogatory responses that they rely on such receipts to determine the value of magazines received by inmates. Plaintiff deems the interrogatory response inconsistent with

the RFP responses. Defendants explain that the institution requires such receipts to accompany one-time purchase magazines so that the institution can establish a magazine's value and to confirm that the inmate paid for the magazine, then requires the inmate to maintain possession of the receipt. Therefore, there is no inconsistency between the interrogatory responses and the RFP responses. In light of this explanation, there is nothing for this court to compel defendants to produce.

RFP 9 asks defendants to produce inmate locations for 53 named inmates. Defendants objected; they already have disclosed the location of 16 other inmate witnesses, so they view plaintiff's request for information on 53 more inmates unduly burdensome and irrelevant to the issues remaining in this lawsuit.

In his motion, plaintiff points out that these merely are potential witnesses, and that he needs to look at a large pool in order to locate and contact enough suitable witnesses. Defendants respond by sticking with their previous objection.

Pursuant to rule 26(b)(2), it is this court's obligation to oversee discovery to ensure that it is not unreasonably cumulative or duplicative, that the burden of the discovery sought does not outweigh its likely benefit, taking into account all relevant circumstances, and that the party seeking discovery has had an ample opportunity to obtain information relevant to the lawsuit. Having refereed previous discovery disputes between the parties, I am aware of the circumstances relevant to the determination how much discovery is enough. I conclude that defendants are correct and plaintiff is incorrect. Disclosure of sixteen inmate names

creates a sufficiently large pool of potential witnesses for plaintiff to explore. Defendants are not required to provide any additional names to plaintiff in response to RFP 9.

This segues to defendants' motion for discovery limitations, dkt. 47. This court virtually invited defendants' motion in its December 12, 2006 order:

Finally, the state accuses plaintiff of harassment because he has served over 100 RFAs regarding statutory citations, purported quotes from complaints, and quotes from the Bible. Although there is no numerical limit on RFAs, the more a party serves, the more closely the court will review their content for relevance in the face of a harassment claim. If the state wishes to pursue this with the court, it must file its own motion.

Dkt. 38 at 7.

The state proffers that plaintiff has served 78 interrogatories, 101 requests for admission and 81 separate document requests; defendants aver that they have responded diligently to these requests and have produced 847 documents for plaintiff's review. Defendants observe that the issues in this case are straightforward and do not require the depth and breadth of discovery demanded by plaintiff.

Defendants are correct. The issues raised in plaintiff's lawsuit involve important constitutional rights, but the facts underlying plaintiff's claims are not so extensive or complicated as to justify plaintiff's full-court press on discovery. This court has ruled against plaintiff on previous discovery disputes in whole or in part in orders entered October 26, 2006 (dkt. 23), December 7, 2006 (dkt. 37), and December 12, 2006 (dkt. 38), culminating in the above-quoted pronouncement.

Plaintiff has not responded to defendants' motion. Perhaps he already has all the information he needs, at least through the summary judgment phase if not through trial. After all, he filed a summary judgment motion on January 4, 2007, seven weeks before the February 23, 2007 dispositive motion deadline. Regardless, the defendants are correct that plaintiff has overreached in his discovery demands. Defendants are entitled to a stay on further discovery demands from plaintiff. This is a case in which defendants, by counsel, really have gone the extra mile in an attempt to provide the information plaintiff has requested. Plaintiff obviously disagrees, as evidenced by his various motions to the court. But as noted above, no matter how objectively or subjectively important a litigant's claims may be, the rules do not allow discovery free-for-alls. The rules set presumptive limits on certain types of discovery and authorize the court to set additional limits as circumstances require.

In this case, the court's monitoring of the parties' disputes gives it more insight into the course of discovery than usual. Taking all relevant circumstances into consideration, I conclude that plaintiff has had a more than adequate opportunity to discover relevant information, and that up to this time defendants have met or exceeded all of their discovery obligations in this case. Plaintiff appears to have sufficient information to litigate his case fairly. Therefore, plaintiff shall not engage in any additional discovery in this case without first seeking and obtaining leave from this court. Leave shall be granted as justice requires upon plaintiff showing good cause for the requested discovery.

ORDER

It is ORDERED that:

- (1) Plaintiff's motion to compel discovery is DENIED; and
- (3) Defendants' motion to limit discovery is GRANTED.

Entered this 22nd day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge