

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

JAMES J. KAUFMAN,

Plaintiff,

v.

JEFFREY PUGH, SANDRA COOPER,
TERRY SHUK, ISMAEL OZANNE and
OFFICER O'CONNELL,

Defendants.

ORDER

11-cv-421-bbc

Plaintiff James Kaufman is proceeding on claims that defendants violated his First Amendment rights by denying him possession of greeting cards and books of postcards on the ground that they were pornographic. On March 5, 2012, I issued an order denying plaintiff's motions to compel discovery. Plaintiff has now filed a motion for reconsideration of that decision.

First, plaintiff continues to challenge defendants' objections based on the lawyer-client privilege, arguing that he requested a much broader category of communications; for instance, plaintiff explains that communications between defendants as they made decisions about plaintiff's print materials could not possibly have been barred by the privilege. Plaintiff seems to misunderstand the scope of defendants' objections and this court's ruling, which were limited to communications covered by the privilege. Other materials were denied plaintiff based on defendants' other objections, but he has given me no reason to reconsider the denial of his motion to compel as it pertains to the lawyer-client privilege.

Plaintiff goes on to argue that defendants' objections that the requests were "overly broad, overly burdensome, vague, ambiguous and required speculation" were improper. In

particular, plaintiff argues that defendants have failed to identify communications regarding the handling of his materials. However, he fails to identify which interrogatories were improperly answered. It appears that defendants Pugh and Shuk and have pointed plaintiff in the direction of the administrative record and other email correspondence. Plaintiff did not limit his requests to communications regarding his publications. Rather he asked for all communications regarding “[t]he receipt and/or possession of publications which contain nudity” for a period of 16 months. If plaintiff wants a narrower subset of documents, then he should submit new interrogatories addressing this narrower category. Nothing in plaintiff’s brief persuades me to reconsider my March 5 ruling on this argument.

Nor does plaintiff persuade me to reconsider any of my ruling any other individual interrogatories, with the exception of Pugh request for production of documents No. 19. Plaintiff requested documents pertaining to various inmate complaints. (One assumes these complaints were brought by plaintiff or other inmates challenging the confiscation of publications for being pornographic.) Defendant Pugh stated that copies of these documents would be made available to plaintiff by submitting a written request. Plaintiff states that he has made multiple requests but gotten no response. Accordingly, defendants will be given until May 1, 2012 to respond to plaintiff and the court about this issue. If they do not respond by May 1, then I will issue an order compelling the release of these documents.

ORDER

IT IS ORDERED that plaintiff James Kaufman's motion for reconsideration of the court's March 5, 2012 order denying his motion to compel discovery, dkt. 29, is DENIED in all respects other than plaintiff's request for the production of documents as outlined in Pugh request No. 19. Defendants may have until May 1, 2012 to respond to plaintiff and the court regarding this request.

Entered this 23rd day of April, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge