

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

LEE CROUTHERS, a/k/a KHENTI AMENTI-BEY,

Plaintiff,

v.

OFFICER ZAGAR and OFFICER PAQUETT,

Defendants.

ORDER

10-cv-308-bbc

Plaintiff Lee Crouthers was allowed to proceed on his claim under the free exercise clause, the Religious Land Use and Institutionalized Persons Act and Wis. Stat. § 301.33(2) that defendants Officers Paquett and Zagar prohibited him from attending a religious feast. Now before the court is plaintiff's motion to compel discovery.

Interrogatories

In his motion, plaintiff asserts that the responses to interrogatories 6 and 7 are evasive. Interrogatory 6 asks defendant Zagar if she is working under special jurisdiction of a foreign authority. Defendants respond that this interrogatory is vague. Plaintiff explains in his motion that he seeks to know if the flag with gold encasement on her work uniform gave her special authority. The "gold-fringed flag" issue used to be a concern of tax protestors, and it was as misdirected in those lawsuits as it is here. With due respect to plaintiff's suspicions about whether defendant Zagar works for a foreign authority, an answer to this interrogatory will not provide information relevant to plaintiff's claims in this lawsuit.

Interrogatory 7 plaintiff asks Zagar "Do you know what a Muslim is and his religion?" Defendant objects to this interrogatory as vague and ambiguous. Defendant is correct: such a broad interrogatory is fairly subject to widely varying interpretations which would lead to

answers of widely varying depth and breadth. Defendant should not have to guess what information plaintiff might be seeking and then guess as to how thorough an answer is required to be responsive. This is a fair topic for a whole set of interrogatories, but it is important for plaintiff to be specific and focused so that it is clear to defendants what relevant fact(s) he wants to discover so that they can provide responsive answers.

Document Requests

Plaintiff moves to compel defendants to produce certain documents. He asks for “DOC Work Rules” and Rules of Prohibit Conduct Section A, 1-72. Defendants respond that they did not know which rules plaintiff is requesting and that the request is overboard. The court agrees that the request is overboard and vague and will not compel production of these documents. As with the interrogatories, it is important for plaintiff to be specific and focused about the information he wants to learn so that he can actually obtain it from defendants.

In Request 2, plaintiff asks for all inmate complaints of inmates who were not allowed to attend the religious feast on September 21, 2009. As defendant points out, these inmate complaints are confidential and cannot be produced. Plaintiff must undertake an informal inquiry into this matter (to the extent it is permitted by other institutional rules and procedures).

Plaintiff requests the policies and regulations about inmates’ special religious functions an the cell hall, procedures to carry out these policies and regulations and rules for officers releasing inmates to these functions. Requests 3,4 and 5. Defendants respond that these

requests are overbroad but have made DAI Policies ## 309.61.01 and .03 and the requested procedures available and rules for plaintiff's inspection. This is an adequate response.

In his request 6, plaintiff asks for a list of each individual who signed up for the religious feast but who did not attend. Defendants have provided the list of inmates who were allowed to go to the religious feast on September 21, 2009. Defendants assert that no list exists of the inmates who signed up but did not attend. The court cannot order defendants to disclose information that does not exist.

Request for Admission

In his second request for admission, plaintiff asks to defendants to admit or deny whether certain Wisconsin Statutes were effective. Defendants object that this requested calls for a legal conclusion. The court agrees that this is not a proper request for admission because it concerns the law and not facts. Defendants need not respond to this request for admission.

ORDER

IT IS ORDERED that plaintiff Lee Crouthers' motion to compel discovery is DENIED.

Entered this 22nd day of February, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge