

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

INNERCITY RECYCLING	:	
SERVICE, LLC, et al.	:	
	:	
v.	:	C.A. No. 13-648ML
	:	
SMM NEW ENGLAND	:	
CORPORATION	:	

**MEMORANDUM AND ORDER**

Plaintiffs have filed six Motions to Compel further discovery responses from Defendant. (Document Nos. 84, 89, 90, 91, 92 and 104). Defendant has objected to each Motion. (Document Nos. 88, 98, 100, 101, 102 and 106). A hearing was held on August 20, 2014. After reviewing and considering the arguments of counsel made in their filings and at the hearing, the remaining claims and defenses in this action, and the parameters of discovery embodied in Rule 26(b), Fed. R. Civ. P., Plaintiffs' Motions are resolved as follows:

A. CHARLES SCRAP METAL – Document No. 84.

GRANTED as to Interrogatories 4 and 5; and Document Requests 28 and 53.

DENIED as to Interrogatory 6; and Document Requests 9, 13, 15 and 23.

B. TIVERTON AUTO PARTS – Document No. 89

GRANTED as to Document Request 26.

DENIED as to Interrogatories 2 and 3; and Document Requests 11, 13, 15 and 22.

C. K&R AUTO SALVAGE – Document No. 90.

GRANTED as to Interrogatories 9 and 19; and Document Requests 26, 32 and 49.

DENIED as to Interrogatories 3, 4, 8 and 13; and Document Requests 3, 4, 11, 13, 15, 22 and 48.

D. KENNETH SERAPIGLIA – Document No. 91.

DENIED as moot as to Interrogatories 24 and 25; and Document Requests 5, 6, 8, 9, 12, 25 and 40 based on Defendant's representation that it will produce nonprivileged documents in its possession regarding these requests.

GRANTED as to Interrogatories 8, 18 and 20; and Document Requests 13, 16 and 29.

DENIED as to Interrogatory 22; and Document Requests 15 and 23.

E. INNERCITY RECYCLING SERVICE – Document No. 92.

DENIED as moot as to Interrogatory 11 (Innercity's complaints to SMM); and Document Requests 3, 5, 6, 8, 25, 31 (photos of Innercity's loads), 37 and 40 based on Defendant's representation that it will produce nonprivileged documents in its possession regarding these requests. (Document No. 102-1 at p. 7). Also, DENIED as moot as to Document Requests 29, 30, 34, 35, 36, 51 and 56 based on Defendant's representation that it has produced all responsive policies and will supplement its production if additional responsive policies are discovered. Id.

GRANTED as to Interrogatory 18; and Document Requests 13, 46 (Innercity's complaints to SMM), 48 and 54.

DENIED as to Interrogatories 2, 3, 4, 5, 6, 9, 12, 13, 14 and 15; and Document Requests 7, 9, 10, 11, 14, 15, 17, 23, 24, 26, 27, 28, 39, 44, 50, 52, 55, 57, 58 and 59.

F. PLAINTIFFS' SECOND REQUEST FOR PRODUCTION – Document No. 104.

DENIED in its entirety.

To the extent not already produced, Defendant shall produce any further responsive documents to Plaintiffs within twenty-one days as required by this Order. In addition, Defendant shall, if it has not already done so, produce a privilege log to Plaintiffs within twenty-one days identifying any responsive documents withheld as privileged as required by Rule 26(b)(5), Fed. R. Civ. P.

SO ORDERED

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
October 24, 2014