

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MARVIN E. OWENS, :
 :
 Plaintiff, :
 :
 v. : CASE NO. 3:17cv657 (RNC)
 :
 CAPTAIN FITZGERALD,¹ :
 :
 Defendant. :

RULING ON DEFENDANT'S MOTION TO COMPEL

The plaintiff, Marvin Owens, who is self-represented, brings this action pursuant to 42 U.S.C. § 1983 against the defendant, Captain Fitzgerald, alleging that he seized the plaintiff's motorcycle without probable cause. The plaintiff also alleges a state law defamation claim. Pending before the court is the defendant's motion to compel (doc. #71). The plaintiff filed a response (doc. #75) and the defendant filed a reply brief (doc. #80). The motion is granted in part and denied in part as follows:

1. Interrogatory 3 is granted. The plaintiff shall provide the requested address. If he does not know it, he shall so state under oath.

2. Interrogatory 4 seeks purchase information for the motorcycle. The plaintiff objects and says that he "hand deliver[ed]" this information to defense counsel. The defendant

¹Captain Fitzgerald is the sole remaining defendant. The Clerk of the Court is shall amend the caption accordingly.

does not agree and seeks a response. The request is granted.

3. Interrogatory 5 is denied. The plaintiff has responded that he does not remember.

4. Interrogatory 6 seeks any tax payments (such as property taxes pursuant to Connecticut state law) the plaintiff paid regarding the motorcycle. The request is granted.

5. Interrogatory 7 is denied as moot.

6. Interrogatory 10 seeks specific damages information the plaintiff claims as a result of the alleged incident. The request is granted.

7. Interrogatory 11 seeks witness information. The request is granted.

8. Interrogatory 12 seeks statements by any party or witness to the alleged incident. The request is granted.

9. Interrogatory 13 seeks photographs or recordings of the incident. The plaintiff states "Objection: plaintiff feel this Question (13) leads and or is means to gain discovery production." The request seeks relevant information and is granted.

10. Interrogatory 14 seeks "the name, address and present location of any person who the plaintiff expects to call as an expert witness at trial," the subject matter to which the expert is expected to testify, and a summary of the grounds of the opinion. The plaintiff states "Objection (14) means to gain

discovery, production, furthermore, tailormade for Trial memoradum [sic]." The request seeks relevant, discoverable information. The plaintiff's objection is overruled. The request is granted.

11. Interrogatory 15 asks whether the plaintiff held a license to operate a motorcycle. The plaintiff responded "Objection: Plaintiff pertaining to this case was not charged, or given any tickets, summon[s], infractions in which defendant Look to imply, plasable [sic] defense. 'ANSWER' Question out of scope." To the extent that the plaintiff is asserting a relevance objection, the objection is overruled. The request is granted.

12. Interrogatory 16 asks whether the plaintiff has ever had his driver's license suspended. The plaintiff's relevance objection is sustained. The request is denied.

13. Interrogatory 17 seeks information regarding his criminal case. The plaintiff has responded that he cannot recall the docket number of the GA2 case. The request is denied.

Production Requests

14. Production Requests 1 and 2 seek the title, registration, and bill of sale for the motorcycle. The plaintiff objects and says that he "hand delivered" this information to defense counsel. The defendant responds that the requested material was not previously produced. The requests are granted.

15. Production Request 3 seeks the plaintiff's insurance

information. The plaintiff states "Objection: No Ground." The request is granted. The plaintiff shall make a good faith effort to locate responsive documents. If there are no responsive documents, he shall so state under oath.

16. Production Request 4 seeks copies of tax bills and/or tax payments for the motorcycle at issue. The request is granted.

17. Production Requests 6 and 7 seeks witness statements and any recording of the events at issue. The plaintiff responds "Objection; defendant look to seek Discovery Production." The requests are granted.

Pursuant to Local Rule 37(d), the plaintiff's responses are due within 14 days of the filing of this order. D. Conn. L. Civ. R. 37(d).

SO ORDERED at Hartford, Connecticut this 26th day of June, 2019.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge