UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

JAY QUAN DILDAY,	:	
Plaintiff,	:	
	:	No. 3:17-CV-1812 (VLB)
v.	:	
	:	
MARK FRAYNE, et al.,	:	September 18, 2018
Defendants.	:	-
	:	
	:	
	:	

RULING ON PLAINTIFF'S MOTION TO COMPEL [DKT. 29]

Discovery is generally conducted by the parties without court intervention. A motion to compel is an extraordinary request for relief. Here, Plaintiff requests that the Court order Defendant Gagne to "answer fully" certain interrogatories to which Defendant Gagne has objected. [Dkt. 29 (Mot. to Compel) at 1]. This motion is procedurally and substantively improper because it fails to comply with the plain and unambiguous language of Federal Rule of Civil Procedure 37. See Fed. R. Civ. P. 37 attached to this Ruling.

In order to be entitled to relief under Rule 37 the movant must make particularized showings of entitlement and diligence. The motion must show that the movant diligently attempted to resolve the discovery dispute with opposing counsel. The movant must also file an affidavit disclosing the discovery sought, the specific discovery dispute, the movant's entitlement to the discovery sought, a detailed description of the moving party's diligent efforts to obtain the discovery, and an averment that despite the movant's diligent efforts the opposing party has unjustifiably failed to produce the discovery. Plaintiff's motion includes none of these elements.

Additionally, Defendant Gagne's objections to Plaintiff's interrogatories are proper under Federal Rule of Civil Procedure 26, also attached to this Ruling. Rule 26 limits the scope of discovery to "any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." A party may object to discovery requests on the basis that they are outside the scope allowed by Rule 26. Defendant Gagne has done so here, properly objecting to certain interrogatories as overbroad and therefore not proportional to the needs of the case or irrelevant to the claims and defenses in this case.

For the foregoing reasons, Plaintiff's Motion to Compel, [Dkt. 29], is DENIED. Plaintiff's request for an award of expenses associated with his motion is also DENIED.

IT IS SO ORDERED

/s/

Hon. Vanessa L. Bryant United States District Judge

Dated at Hartford, Connecticut: September 18, 2018