IN THE UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

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| --- | --- | --- | --- |
| |  | | --- | | {plaintiff\_name},  {plaintiff\_number},  vs.  {defendant\_name},  {defendant\_number}. |   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | )  )  )  )  )  )  )  )  )  )  ) | CASE NO. {case\_number}  **MOTION TO COMPEL** |

{county\_name\_allCaps} DIVISION

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the plaintiff respectfully requests that the Court {order\_the\_defendants} to fully respond to discovery requests. Pursuant to Local Rule 7.02, the undersigned certifies that plaintiff’s counsel conferred {with\_defendants’\_counsel} and attempted in good faith to resolve the matter contained within this motion.

**FACTUAL BACKGROUND**

**Case specific background**

**LEGAL STANDARD**

Rule 26 of the Federal Rules of Civil Procedure outlines general provisions governing discovery. Rule 26(b)(1) provides,

Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding 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. Information within this scope of discovery need not be admissible in evidence to be discoverable.

Rule 26(c) states,

On motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules or by local rule if it determines that:

1. the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;
2. the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or
3. the proposed discovery is outside the scope permitted by Rule 26(b)(1).

As the Fourth Circuit has noted, “[d]iscovery under the Federal Rules of Civil Procedure is, of course, broad in scope and freely permitted.” *Mylan Laboratories, Inc. v. AKZO, NV*, 2 F. 3d 56, 64 (4th Circuit 1993) citing Fed. R. Civ. P. 26(b)(1) advisory committee’s note. Additionally, “fairness in the disposition of civil litigation is achieved when the parties to the ligation have knowledge of the relevant facts, and therefore the discovery rules are given ‘a broad and liberal treatment.’ *National Union Fire Ins. v. Murray Sheet Metal*, 967 F. 2d 980, 983 (4th Circuit 1992) citing *Hickman v. Taylor*, 329 U.S. 495, 507, 67 S.Ct. 385, 392, 91 L.Ed. 451 (1947).

**ARGUMENT**

Much of what the plaintiff seeks in {plaintiff\_sex} discovery requests is simply facts and information that are not only generally discoverable, but also directly related to – and necessary for the prosecution of – the plaintiff’s claims. The fact that the defense does not want to produce the requested information does not make that information any less discoverable. As the United States Supreme Court has ruled, facts are always discoverable. See *Upjohn Co. v. United States*, 449 U.S. 383 (1981).

**Case specific argument(s)**

Should the Court have concerns as to whether any of the requested materials is discoverable, then the plaintiff understands that the Court may review those materials in camera. See *Duplan Corporation v. Deering Milliken, Inc.*, 397 F.Supp. 1146 (Dist., South Carolina 1974).

**CONCLUSION**

For the reasons set forth herein, the plaintiff respectfully requests that the Court order the Defense to provide complete discovery responses, specifically for Interrogatories {interrogatory\_numbers} and for Requests for Production {production\_numbers}. In the alternative, the plaintiff requests that the Court review documents in camera and make a determination as to whether the documents should be produced.

Respectfully Submitted,

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