



14, 1999, Liberty Mutual's counsel responded to GRX's requests for supplementation, essentially repeating its prior objections. Additionally, in that letter, Liberty Mutual admitted that it was withholding information on the basis of privilege.

The Plaintiffs now move this Court for an Order compelling the Defendant to comply with their discovery requests. More specifically, the Plaintiffs request that the Defendant be compelled to provide full and complete answers to Plaintiff's First Set of Interrogatory Nos. 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, and 21, and Plaintiff's First Request for Production of Document Nos. 2, 3, 4, 6, 7, and 11. In addition, the Plaintiffs requests that the Defendant be required to produce a privilege log pursuant to Federal Rule of Civil Procedure 26(b)(5).

## **II. STANDARD OF REVIEW**

Under the Federal Rules of Civil Procedure and in the United States Court of Appeals for the Third Circuit, district courts have broad discretion to manage discovery. See Sempier v. Johnson, 45 F.3d 724, 734 (3d Cir. 1995). Pursuant to Rule 26(b)(1), a party is entitled to discovery of "any matter, not privileged, which is relevant to the subject matter in the pending action." Fed. R. Civ. P. 26(b)(1). "The information sought need not be admissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Id.

As this Court has noted, "[r]elevance is broadly construed and determined in relation to the facts and circumstances of each case." Hall v. Harleysville Ins. Co., 164 F.R.D. 406, 407 (E.D. Pa. 1996). Once the party opposing discovery raises its objection, the party seeking discovery must demonstrate the relevancy of the requested information. See Momah v. Albert Einstein Med. Ctr., 164 F.R.D. 412, 417 (E.D. Pa. 1996). The burden then shifts back to the objecting party, once this showing is made, to show why the discovery should not be permitted. See id. Relevancy and burdensomeness are the principal inquiries in ruling upon objections to interrogatories and requests for production. See McCain v. Mack Trucks, Inc., 85 F.R.D. 53, 57 (E.D. Pa. 1979).

The Third Circuit has stated that the mere statement by a party that the interrogatory was overly broad, burdensome, oppressive, vague, and irrelevant is "not adequate to voice a successful objection to an interrogatory." Josephs v. Harris Corp., 677 F.2d 985, 992 (3d Cir. 1982). A showing of how each interrogatory is not relevant or how each question is overly broad, burdensome, vague, or oppressive is required. See id. The standards governing responses to production requests have been held to be identical to those governing responses to interrogatories. See Albert Einstein Med. Care Found. v. National Ben. Fund for Hosp. & Health Care Employees, No. CIV.A.89- 5931, 1990 WL 186975,

at \*3 (E.D.Pa. Nov.27, 1990).

### **III. DISCUSSION**

#### **A. Plaintiff's Request for a Privilege Log**

A claim of privilege must specify for what documents the privilege is being claimed as well as "precise and certain" reasons for non-disclosure of the documents. United States v. O'Neill, 619 F.2d 222, 226 (3d Cir.1980). In addition, Federal Rule of Civil Procedure 26(b)(5) provides, in relevant part:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged ... the party shall make the claim expressly and shall describe the nature of the documents ... not produced ... in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

Fed. R. Civ. P. 26(b)(5).

GRX contends that to enable them to analyze the appropriateness of a challenge to the asserted privileges, Liberty Mutual must be compelled to produce a privilege log. Liberty Mutual concedes that when GRX filed the instant motion, it had not produced a privilege log. Liberty Mutual contends, however, that it has since provided the Plaintiffs with a privilege log. Thus, the Plaintiff's request for a privilege log has been satisfied, and that portion of the motion is moot.

#### **B. Discovery Requests**

The Plaintiff asserts that the Defendant's objections to

Plaintiff's First Set of Interrogatory Nos. 4-9, 17-21 and to Plaintiff's First Request for Production of Document Nos. 2-4, 6-7, and 11 are not justified. In their responses to these discovery requests, the Defendant raised various objections including that they are overly broad, burdensome, and seeks information and documents that are wholly irrelevant to the subject matter of this action. In addition, the Defendant also objected to these discovery requests on the grounds that they seek information or documents protected by the attorney-client privilege, the work product doctrine, or any other applicable claim of privilege.

Nonetheless, the Court finds that although the Defendant raised various objections to each of these discovery requests, they also provided full and complete responses to them. Because Liberty Mutual did not limit or restrict its responses to any of the Plaintiffs' interrogatories or withhold documents responsive to Plaintiffs' document requests based on its objections, the Court finds that the Plaintiffs' challenge to Liberty Mutual's objections to these discovery requests must be denied.

An appropriate Order follows.

