

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL CHEN : CIVIL ACTION
: :
v. : :
: :
HEWLETT-PACKARD CO. : NO. 04-03878

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 8, 2005

The *pro se* plaintiff in this action purchased a laptop computer from the defendant for \$1,731.60, in November 2003. A few months later, he experienced problems with the power supply element of the computer, and sent it back for repairs. After Hewlett-Packard replaced the defective part, plaintiff continued to have problems with the replacement. He therefore brought this lawsuit, initially attempting to represent a class consisting of all of the persons who purchased the computer model in question; his complaint sought damages in the billions of dollars. I declined to certify the class, since plaintiff is not an attorney, has no legal qualifications, and would obviously be an inadequate class representative. Plaintiff was, of course, permitted to continue with the pursuit of his own claim.

Plaintiff has now filed a motion to compel discovery, asserting that the defendant's answers to his interrogatories are incomplete and inadequate. To the extent they are understandable, plaintiff's interrogatories are hopelessly over-

broad and would impose undue burdens upon the defendant. A few examples suffice: "7. List and describe all communications, meetings (personnel, place, time) and actions or events occurred that may be related to power supply problems"; "16. List and describe all emails, senders, and recipients of email currently known to be relevant to this legal matter").

Plaintiff purchased his laptop pursuant to a written warranty agreement which rules out consequential damages and limits plaintiff's potential recovery to the price paid for the computer. Although denying that the computer was defective, the defendant has expressed a willingness to avoid further legal expense by paying plaintiff the maximum amount he could possibly be awarded for breach of warranty. If the defendant should see fit to make an offer of judgment, plaintiff would be well-advised to give it serious consideration.

For present purposes, it suffices to enter an order denying plaintiff's motion to compel answers to interrogatories.

An Order follows.

