

**Subject: Lipari v. US Bank- Plaintiff's First Requests for Production...**

**Date:** Monday, March 10, 2008 3:59 PM

**From:** Jay Heidrick <jheidrick@stklaw.com>

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**Conversation:** Lipari v. US Bank- Plaintiff's First Requests for Production...

Sam-

I am writing regarding your first Requests for Production of Documents. It is our position that the requests are facially overly broad and unduly burdensome as to the types and categories of documents you request. Particularly, Courts have held that document requests that utilize the terms "All documents referring to..." or "All documents relating to..." are facially defective and justify a protective order. *See e.g., Aikens v. Deluxe Financial Services, Inc.*, 217 F.R.D. 533 (D.Kan., 2003). Therefore, we request that you revise your requests.


If you feel it would be productive, I would be happy to discuss this matter with your further. Unfortunately, I am in depositions all day Tuesday through Thursday and out of the office on Friday. However, if you are available before 8:00am or after 5:00pm sometime Tuesday - Thursday, I can discuss this with you. Or, if you are willing to grant us an extension until Friday, March 21, 2008, I am generally available anytime next week. However, if you do not feel a phone conference would be productive, please let me know so we may file our Motion. If I do not hear from you by Thursday, 3/13, I will file our Motion on Friday morning, 3/14, before I leave. Please consider this a good faith effort to resolve this dispute.

Please note also, that we feel the requests are objectionable on numerous other grounds such as relevancy, privilege, etc. However, those objections cannot be the subject of a protective order but rather, will be made in the individual responses. If you decide to revise your requests, we will re-consider our objections to the revised requests.

Thanks for your attention to this matter. Please let me know if you have any questions.

Jay

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