

the plaintiffs at this point. The time for generalities is over. It is now time for specifics. The plaintiffs shall forthwith produce copies of such recordings as they have and they shall specifically identify the sounds that they claim are the infringing sounds and specifically point out where in the defendants' works they claim this infringement occurs. If the plaintiffs are unable to identify the materials they claim infringe their property, they run the risk of having those claims dismissed.

The plaintiffs seek the enforcement of a prior order entered on October 24, 2001 (Docket Entry No. 23), and have requested an additional order requiring the defendants to provide additional information. The defendants shall forthwith comply with the previous orders of the Court. However, it is not clear what additional information is requested and the Court cannot order that information produced at this time. It would have been helpful had the plaintiffs succinctly stated in the motion itself what additional information they were seeking. The Magistrate Judge will not dig this information out of a memorandum in support thereof.¹ However, the Magistrate Judge agrees with the plaintiffs

¹It should also be noted that the plaintiffs have again failed to follow the Local Rules and sequentially number exhibits. The plaintiffs have also failed to include as an exhibit a list of other cases to which this motion is intended to apply.

that many of the defendants' answers are inadequate, evasive, and open-ended.

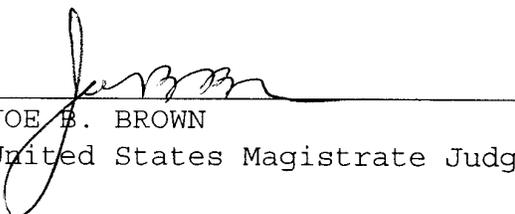
The defendants would be well advised to reconsider some of their responses in light of the plaintiffs' memorandum. As was stated at the hearing on January 7, 2002, if a party contends that information is not presently available and will be supplied later, they will provide a specific date by which such information will be supplied. Neither party will make open-ended statements that the material will be provided later or as appropriate, but will supply a specific date by which such material will be provided.

During the course of the hearing on January 7, 2002, it became apparent that some of the parties were treating the exchange of discovery much as the Soviets and the Americans treated the exchange of spies during the height of the Cold War. Production of documents will not be conditioned on the simultaneous exchange of documents. When the information is available it will be produced. Likewise, the parties shall forthwith cease the practice of saving up information until the balance of requested information is all ready to be produced. Unless the parties mutually agree to a different schedule, responsive information will be produced as soon as it is available.

The Magistrate Judge has repeatedly warned the parties to stop playing games with discovery and to get on with the case. Both parties can jeopardize their case by delaying their responses to legitimate discovery requests. The Magistrate Judge, as a matter of policy, is extremely reluctant to impose sanctions on any party since it has been the Magistrate Judge's experience that parties generally do act in good faith in discovery disputes. However, the parties are warned that the Magistrate Judge is reaching the end of his patience in this matter and will consider the imposition of sanctions on any further failure or unreasonable delay in the production of discovery matters.

The Clerk will post this on the Court's webpage, www.tnmd.uscourts.gov, under Selected Opinions, Bridgeport Music, Inc. Cases, with the title Order: Re Requirements that Parties Promptly Comply with Discovery Requests.

It is so **ORDERED**.



JOE B. BROWN
United States Magistrate Judge