IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.	)	
	)	
v.	)	No. 3:01-0703
	)	Judge Campbell/Brown
SONGS OF ALL NATIONS, et al.	)	

O R D E R

Currently pending before the Court is plaintiffs' motion to compel discovery (Docket Entry No. 14), to which defendants have responded. Plaintiffs' motion to compel is GRANTED in part and DENIED in part, as described herein.

At the outset, the undersigned notes his expectation that full and complete discovery will be had by the parties, and that the exchange of information will be unhindered by trifling objections to reasonably circumscribed discovery requests.[1] Liberal discovery is called for under the applicable Federal Rules of Civil Procedure, and the Court, if it errs, will err on the side of allowing discovery of information arguably relevant to any claim or defense asserted. Accordingly, except where objections are properly made to requests which are plainly

[1] Both sides are asking broad questions which have to be refined and making broad objections which are likewise unnecessary. The parties should realize that there will be full discovery, and get on with the litigation. Again, the parties are requested to ask focused questions that are truly germane to the case, and to provide full answers to all such questions put to them. The trial of this matter will proceed as scheduled by the District Judge, even if discovery on both sides is incomplete.

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23

outside the bounds imposed by the discovery rules, the parties should anticipate that motions to compel will generally receive favorable treatment, with any necessary damage control reserved unless and until issues of admissibility arise.

With respect to Interrogatory No. 1 and the corresponding request for production,[2] the motion to compel is granted, inasmuch as the undersigned does not believe that defendants' proffer of business records under Fed.R.Civ.P. 33(d) is a sufficient response to the request for identification of persons with knowledge. To the extent that these requests seek information other than the identification and location of such persons, the proffered records will be deemed a sufficient response if they are sorted and referenced by claim and case number, and bates numbered.

The motion to compel is granted with respect to Interrogatory No. 3. The motion is likewise granted with respect to the corresponding document requests, except with respect to the manufacturing and distribution agreements between defendants

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[2] Defendants object to the temporal scope of plaintiffs' interrogatories and document requests, arguing that plaintiffs' discovery should be strictly limited by the three-year limitations period applicable to their copyright claims. While the undersigned is not persuaded that plaintiffs' discovery should be so limited, or that plaintiffs have sufficiently alleged fraudulent concealment so as to justify unlimited discovery, it appears that some limitation is necessary in order to facilitate the discovery process. Accordingly, plaintiffs' written discovery should be limited to the period beginning six (6) years prior to the filing of the complaint in this matter, absent a truly special need for more remote information.

and third parties requested in Request for Production Nos. 75 and 76. Any confidential information may be protected by agreed protective order, which the Court will promptly sign. The undersigned notes that many of the parties to this litigation have submitted such agreed protective orders.

With respect to Interrogatory Nos. 4, 5, and 7, and the corresponding document requests, the motion to compel is granted. Plaintiffs state that they are not asking for any expert information, but only what defendants know about the alleged taking of plaintiffs' property. To the extent defendants do not possess responsive information because of plaintiffs' incomplete discovery responses, or because such information can only be ascertained through expert analysis, they may so state. Of course, all responses must be promptly supplemented as information becomes available.

With respect to Interrogatory Nos. 8 and 9, and the corresponding document requests, the motion to compel is granted to the extent that requested information shall be provided via profit and loss statements and royalty statements for the six (6) years preceding the filing of this lawsuit. This time period exceeds the limitations period, but not so far as to cause substantial hardship to defendants. Should plaintiffs find good cause to dispute the accuracy of these summary statements

proffered by defendants and hereby ordered to be produced, so as to justify more extensive discovery of plaintiffs' revenues and expenses, further motions on the subject will be entertained.

With respect to Interrogatory No. 10, defendants' response must be deemed sufficient, though clarification of the manner in which the clearance process operates will be had in defendants' proffer of all documents pertaining to the clearance process, in their response to Request for Production No. 88.

With respect to Interrogatory No. 11, the motion to compel is granted insofar as the request pertains to plaintiffs' works which they have alleged to have been infringed by defendants. The motion is granted with respect to Interrogatory No. 12, as worded. Likewise, the motion is granted with respect to Request for Production Nos. 8 and 10, inasmuch as such previous litigation documents are relevant to the issue of willfulness; however, the motion is denied with respect to Requests for Production Nos. 9 and 11, inasmuch as defendants' previous efforts to enforce copyrights do not bear the same relevance.

With respect to Interrogatory No. 13 and the corresponding document request, defendants' offer of correspondence reflecting the requested information will suffice.

With respect to Interrogatory No. 14 and the

corresponding document request, the motion to compel is granted insofar as the request pertains to plaintiffs' works which they have alleged to have been infringed by defendants.

The motion is granted with respect to Interrogatory No. 15 and the corresponding document request, as worded, inasmuch as the undersigned assumes that information related to post-release efforts to obtain permission from plaintiffs and other entities would not be as burdensome to produce.

The motion to compel is granted with respect to Interrogatory No. 19, seeking facts underlying the affirmative defenses raised by defendants.

With respect to Request for Production No. 23, defendants shall provide any contact information they may have for their co-defendants.

With respect to Request for Production Nos. 26 and 27, defense counsel states in his correspondence that no such documents reflecting corporate structure exist; therefore, the motion to compel a response to this request is denied.

The undersigned notes that despite defendants' opposition to the production of any tax records, it does not appear that the relevant Request for Production, No. 28, was included in plaintiffs' motion to compel.

With respect to Request for Production Nos. 36, 37, 38,

the motion to compel is granted.

With respect to Request for Production Nos. 46-63, defendants shall promptly produce the promised letter detailing the scope of documents as to which production will be made; if no agreement can be reached on the requested correspondence, future motions will be entertained.

Plaintiff's request for sanctions in the form of attorneys' fees is denied. However, the parties are warned that continued unnecessary bickering may result in sanctions.

The Clerk will post this Order on the Court's webpage, www.tnmd.uscourts.gov, under Bridgeport General Orders, with the title "Order Re: Plaintiffs' Motion to Compel Discovery".

So **ORDERED**.

JOE B. BROWN
United States Magistrate Judge