

SAM GLASSCOCK III
VICE CHANCELLOR

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

November 27, 2012

Kashif Chowdhry
Parkowski, Guerke & Swayze, P.A.
116 West Water Street
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David Dolan
Sussex Correctional Institution
#618418 MW
P.O. Box 500
Georgetown, DE 19947

*Re: Allan Wagamon v. David B. Dolan
and
David B. Dolan v. Allan Wagamon, et al.
Civil Action No. 5594-VCG (Consolidated)*

Dear Counsel and Mr. Dolan:

Before me is the Defendants' Motion for a Protective Order. According to the Scheduling Order of July 5, 2012, all discovery was to be completed by September 3, 2012. The Plaintiff, however, filed Interrogatories and a Request for Production on August 31, 2012 and a Request for Admissions on September 6, 2012. Obviously, those requests were not timely under the terms of the discovery order. The Defendants contend, and the Plaintiff concedes, that many of these requests are duplicative of previous, timely filed requests. The Plaintiff asks to be

relieved from the strictures of the Order, contending that timely discovery requests remain incomplete.

The Defendants' Motion for Protective Order is GRANTED. The discovery requests filed on August 31 and September 6, 2012 are stricken. The Plaintiff's contention that previous, timely discovery requests were not answered rings hollow, since no motion to compel was ever filed with respect to the Defendants' answers to discovery. Nonetheless, the Defendants have a continuing obligation to supplement their answers to discovery as appropriate before trial. To the extent that the foregoing requires an order to take effect, IT IS SO ORDERED.

Sincerely,

/s/ Sam Glasscock III

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