

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL NO: 4:09-cv-00062 JAJ-CFB
vs.)	
)	
HOWARD MUSIN,)	
JILL SCHWARTZ-MUSIN,)	ORDER
SSC SERVICES, INC.,)	
M_S SERVICES, INC.,)	
SCHWARTZ’S SYSTEMS)	
CORPORATION,)	
)	
Defendants.)	

This matter is before the Court on Plaintiff’s resisted Motion to Deem Admitted its Second and Third Sets of Requests for Admissions (Clerk’s No. 177). Based upon a review of the pleadings, the Court FINDS and ORDERS:

1. Counsel need to get a grip, and cooperate in the process of discovery. Filing motions and responses that stand on form over substance do not secure the just, speedy, and inexpensive determination of this action.

2. Defendants complain that Plaintiff did not strictly comply with Local Rule 33, which requires a party to leave “a reasonable space for an answer immediately following each interrogatory or request for admission.” Plaintiff admits that it did not provide extra spacing in its format of the second and third sets of requests for admission as originally propounded in paper form, but did ultimately provide the discovery requests in WordPerfect or MS Word format, as it had with earlier discovery requests.

3. Plaintiff could have just reformatted the discovery requests in less than five minutes. Instead, Plaintiff filed the Motion to Compel with 148 pages of attachments. Defendants could have reformatted the discovery requests in less than five minutes, or fit their answers in the space provided. Instead, Defendants filed a resistance that spends time analyzing the interplay between Local Rule 83(a)(2) and Local Rule 33, and asks that Plaintiff be sanctioned for its willful failure to comply with Local Rule 33 relating to the amount of space left in which Defendants might write their answers.

4. It is astonishing that counsel could direct their time and energy toward such foolishness, and expect me to do the same. I repeat: get a grip. Cooperate in the completion of discovery.

5. Defendants shall respond to Plaintiff's Second & Third Sets of Requests For Admissions by May 28, 2010.

6. The dispositive motion deadline is extended to June 15, 2010. Trial remains set for November 8, 2010; and Final Pretrial Conference remains set for 11:00 a.m. on October 27, 2010.

IT IS SO ORDERED.

Dated this 14th day of May, 2010.



CELESTE F. BREMER
UNITED STATES MAGISTRATE JUDGE