



Court of Claims of Ohio

The Ohio Judicial Center
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Columbus, OH 43215
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JAMES DANIEL HUGHES, et al.

Plaintiffs

v.

THE OHIO STATE UNIVERSITY

Defendant

Case No. 2012-09059

Judge Patrick M. McGrath

ENTRY

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On December 16, 2013, plaintiffs filed a motion for leave to file additional discovery requests pursuant to Civ.R. 33. On December 23, 2013, defendant filed a memorandum in opposition.

Civ.R. 33(A) states that “[a] party shall not propound more than forty interrogatories to any other party without leave of court. Upon motion, and for good cause shown, the court may extend the number of interrogatories that a party may serve upon another party.”

Plaintiffs state in their motion that additional information is needed from defendant in order to avoid additional depositions and to provide additional material in time for their expert identification. Defendant states that plaintiffs have already served, and defendant has answered, forty-five interrogatories, not including subparts, which are each considered a separate interrogatory under Civ.R. 33. Defendant also asserts that plaintiffs have not demonstrated good cause exists for additional interrogatories.

To date, the parties have conducted substantial discovery in this matter. Indeed, plaintiffs aver that almost thirty depositions have been taken and thousands of pages of documents have been exchanged between the parties. With all of this discovery, plaintiffs should have a solid understanding of the matter and be able to identify with specificity what additional information is necessary. However, all plaintiffs assert is that additional

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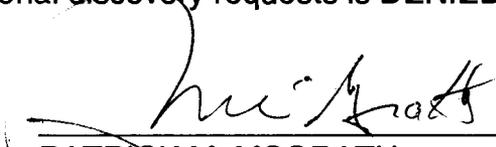
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discovery can potentially reduce future depositions. The court does not find this reason persuasive enough to satisfy Civ.R. 33(A)'s requirement to show good cause. Accordingly, plaintiffs' motion for leave to file additional discovery requests is DENIED.



PATRICK M. MCGRATH
Judge

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