

IN THE COURT OF COMMON PLEAS, LYCOMING COUNTY PENNSYLVANIA

CITATION PUBLISHING, INC.,	:	
Plaintiff	:	
v.	:	No. 05-01,621
	:	CIVIL ACTION
REGSCAN, INC. and DANIEL F.	:	
SCHRANGHAMER, ESQ.,	:	
Defendants	:	

MEMORANDUM OPINION AND ORDER

Before this Honorable Court, are three matters for disposition: (1) the Plaintiff's May 8, 2006 Preliminary Objections; (2) the Defendant's May 15, 2006 Second Motion to Compel; and (3) the Defendant's May 16, 2006 Motion for Sanctions. After carefully considering the filings, briefs/memoranda of law, and the arguments made at the July 7, 2006 hearing on this matter, the Court finds as follows.

Preliminary Objections

The Plaintiff's Preliminary Objections, in the nature of a Motion to Strike, contend that paragraphs 81-82, 86-119, 127-130, and 137-138 of the Defendant's New Matter are impertinent, immaterial, and scandalous and should therefore be stricken. The Court agrees with the Plaintiff's contentions as to paragraphs 81-82, 86, 96-107, 110, 113-119, and 127-130 only. Paragraphs 87-95 speak to the content of the Plaintiff's alleged protected trade secret and whether or not said content is in fact a trade secret. Paragraphs 108-109 and 111-112 reference another matter, involving the same parties, which the Plaintiff called to the Court's attention at the July 7, 2006 hearing on the instant motions; the Court finds it illogical that the Plaintiff maintains his intent to have this fact stricken from the new Matter after himself calling attention to it.

Motion to Compel and Motion for Sanctions

In an Order dated March 20, 2006, this Court directed the Plaintiff to comply with the Defendant's discovery request within three (3) weeks of the date of the Order. Although the Plaintiff did comply with this Order by responding to the Defendant's requests, this Court finds that a large number of those responses were insufficient. Accordingly, the Plaintiff has thirty (30) days from the date of this Order to answer the Defendant's January 3, 2006 interrogatories and request for production of documents as follows:

Defendant's Interrogatories

- | | |
|---------------------------|-------------------------------------------------------------------------------------------|
| 1, 4, 31 | answer in full |
| 7-8, 10-12, 17-18, 21, 29 | answer; however, answer can be provided in the form of an estimate |
| 14, 24-25, 27-28, 32-35 | DENIED |
| 19-20, 22-23 | answer; however, answers can be in the form of a summary and actual names can be redacted |

Defendant's Requests for Production

- | | |
|------------------------------|---------------------------------------------------------------------------------------|
| 1, 3, 9, 26 | answer/produce |
| 2, 4-6, 8, 10-12, 14, 20, 24 | DENIED |
| 7, 21-23, 25 | answer/produce; however, answer/production can be provided in the form of an estimate |
| 13, 19, 16 | answer/produce; however, answers/productions can be in the form of a summary |

Although the Court has granted, in part, the Defendant's Motion to Compel, it does not feel that the circumstances warrant the imposition of sanctions on either party; however, the Court would be remiss to not highlight that, based on the litigation history between the parties,

frivolous or unmeritorious motion of any nature will not be tolerated. As both parties acknowledged at the hearing in this matter, counsel should make sincere attempts to resolve all discovery conflicts outside of court and reserve “motions to compel” and “motions for sanctions” in only the most serious situations.

ORDER

AND NOW, this _____ day of July 2006, the Court hereby **ORDERS** and **DIRECTS** as follows:

1. The Plaintiff’s Preliminary Objections as to paragraphs 87-95, 108-109, and 111-112 of the Defendant’s New Matter are hereby **DENIED**;
2. The Plaintiff’s Preliminary Objections as to paragraphs 81-82, 86, 96-107, 110, 113-119, and 127-130 are hereby **GRANTED**;
3. The Defendant’s Motion to Compel is hereby **GRANTED IN PART** and **DENIED IN PART** as more fully set forth above; and
4. The Defendant’s Motion to for Sanctions is hereby **DENIED**

By the Court,

Nancy L. Butts, Judge

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Hon. Nancy L. Butts
Laura R. Burd, Law Clerk