

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JUAN MENDEZ, RENE VARGAS, FRANK
REYNALDO RODRIGUEZ, and JAIME
GARCIA,**

2002-CV-0169

Plaintiffs,

v.

HOVENSA, L.L.C.,

Defendant.

**TO: Lee J. Rohn, Esq.
Onik'a Gilliam, Esq.**

**ORDER REGARDING PLAINTIFFS' MOTION TO COMPEL DEFENDANT
HOVENSA TO PRODUCE DOCUMENTS AND INFORMATION**

THIS MATTER is before the Court for consideration upon the parties' Joint Stipulation Regarding Plaintiffs' Motion to Compel Defendant HOVENSA to Produce Documents and Information (Docket No. 289).

Having reviewed the said stipulation, the Court makes the following findings:

Issue No. 1

Demand Nos. 19 and 20: Defendant asserts that it has produced all documents concerning the incident, including test results, investigation reports, and shift supervisor reports. Based upon this

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representation, the Court finds that Defendant has responded adequately to the demand. No further response is necessary.

Issue No. 2

Documents related to change in water distribution system: Plaintiffs insist that the change in the water distribution system was instituted pursuant to a "memo" issued by Rene Sagebien which was referenced in certain deposition testimony. Defendant contends that the deponent never mentions a memo nor the existence of such a document. Upon review of the cited deposition testimony, the Court finds that reliance upon such testimony is misplaced. The testimony at issue acknowledges that a change was made and who authorized it, but does not reference a memo or the existence of one. Consequently, the Court finds that Defendant has responded adequately to this discovery request. No further response is necessary.

Issue No. 3

Demand No. 14: Defendant claims that it is has produced all pertinent, relevant documents, including testing policies, procedures, etc. Based upon this representation, the Court finds that Defendant has responded adequately to the demand. No further response is necessary.

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Issue No. 4

Drawings of water system in 2002:

Defendant asserts a proprietary privilege to any such drawings. However, Defendant does not make a specific showing of such privilege. The Court will order Defendant to produce the drawings.

Issue No. 5

Copies of photographs:

Defendant asserts that the photographic copies in its possession are of the same quality as Plaintiffs' copies. Based upon this representation, the Court finds that Defendant has responded adequately to the demand. No further response is necessary.

Issue No. 6

Original of Exhibit 21:

Defendant has attached a copy of the exhibit at issue. After reviewing the said document, the Court agrees with Defendant that no "redaction" or alteration is evident. Thus, the Court finds that Defendant has responded adequately and that no further response is necessary.

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Issue No. 7

Settlement agreement between HOVENSA and Bechtel: Plaintiffs state that if the settlement agreement between HOVENSA does not relate to the water contamination claims of Plaintiffs "all Defendant has to do is affirm that it does not." Joint Stipulation at 10. Defendant demonstrates that the said agreement concerns "warranty claims" and "liquidated damages." *Id.* at 11. The Court finds that Defendant has responded adequately and that no further response is necessary.

Issue No. 8

Minutes of weekly meetings: Defendant states that its notes of the "meeting were produced to Plaintiffs in its Rule 26 Disclosure." Based upon this representation, the Court finds that Defendant has responded adequately to the demand. No further response is necessary.

Accordingly, it is hereby **ORDERED**:

1. Plaintiffs' Motion to Compel Defendant HOVENSA to Produce Documents and Information (Docket No. 289) is **GRANTED IN PART AND DENIED IN PART**.

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2. Defendant shall, within ten (10) days from the date of entry of this order, produce to counsel for Plaintiffs the drawings of the water distribution system in 2002.

ENTER:

Dated: March 13, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE