

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

ADLAH "FONCIE" DONASTORG,	)	CASE NO. ST-2017-CV-0000393
	)	
Plaintiff,	)	ACTION FOR DAMAGES
vs.	)	
	)	JURY TRIAL DEMANDED
AMBER WALKER,	)	
	)	
Defendant.	)	
	)	

Cite as 2019 VI Super 96U

MEMORANDUM OPINION AND ORDER

¶1 Before the Court is Plaintiff Adlah "Foncie" Donastorg's Motion to Compel Defendant to Supplement Written Discovery ("Motion to Compel"), filed on October 11, 2018. Defendant Amber Walker filed an Opposition to Motion to Compel Defendant to Supplement Written Discovery on October 24, 2018. Donastorg filed Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Compel on October 31, 2018.

¶2 The Court finds that the parties did not satisfy the meet and confer requirement specified in Virgin Islands Rules of Civil Procedure 37. However, in the interest of judicial economy and efficiency, the Court will address the substance of the Motion to Compel because the parties have reached an impasse and a further discovery conference will not be fruitful.

¶3 The Court finds that Interrogatory No. 10 and Demand Nos. 5 and 8 seek information that is relevant to Donastorg's claims. As a result, the Court will compel Walker to supplement her response to Interrogatory No. 10 and Demand Nos. 5 and 8. However, the Court will not compel Walker to respond further to Interrogatory Nos. 2, 3, and 18 and Demand Nos. 14 and 16 because they seek information that is not relevant to Donastorg's claims and are cumulative or burdensome. Accordingly, the Motion to Compel will be granted in part and denied in part.

I. BACKGROUND

¶4 Plaintiff Adlah "Foncie" Donastorg and Defendant Amber Walker were involved in an automobile accident on or about October 26, 2016.¹ On September 1, 2017, Donastorg filed his Complaint against Walker. Donastorg alleges that Walker failed to operate her vehicle in a safe manner which caused Walker's vehicle to collide into Donastorg's vehicle. Walker claims that as a result of the accident, he suffered "physical injuries, medical expenses, and loss of income, loss of capacity to earn income, mental anguish, pain and suffering and loss of enjoyment of life, all of

¹ Compl. ¶ 4.

which are expected to continue into the foreseeable future.”²

¶5 Donastorg propounded his First Set of Interrogatories and First Demand for Production of Documents on May 22, 2018. On June 18, 2018, Walker served her responses to both the First Set of Interrogatories and First Demand for Production.³ On June 26, 2018, Donastorg sent Walker a letter, in compliance with Rule 37, to resolve the discovery disputes without Court intervention. In the letter, Donastorg argued that Walker’s responses to Interrogatory Nos. 1, 10, and 18 and Demand Nos. 5, 8, 14, 16, and 17 were insufficient. Walker responded in a July 17, 2018 letter stating that the responses to Interrogatory Nos. 1, 10, and 18 were complete and need not be supplemented. Walker also stated that responses to Demand Nos. 5, 8, 14, 16, and 17 were complete. In the event that the response did not resolve the discovery dispute, Walker provided July 24, 2018, as an alternate date to meet and confer.

¶6 Donastorg attached a string of emails, between Jo-Ann Brumant, an employee of the Law Offices of Rohn and Associates, and counsel for Walker, Sharmane Davis-Brathwaite. On August 20, 2018, Brumant emailed Davis-Brathwaite seeking available dates for a meet and confer as required by Rule 37. Davis-Brathwaite responded that she did not receive a response regarding the July 24, 2018 teleconference date she provided in her response to Attorney Lee Rohn’s letter. However, Davis-Brathwaite sought two dates of Rohn’s availability between September 5, 2018 and September 12, 2018.

¶7 On August 27, 2018, Brumant responded that Rohn was available on September 7, 2018. On September 4, 2018, Brumant emailed Davis-Brathwaite canceling the September 7, 2018 meet and confer stating that Rohn was no longer available. Brumant also provided three alternative dates ranging from September 10, 2018 through September 12, 2018 to reschedule the meet and confer. Davis-Brathwaite agreed to meet and confer on September 12, 2018.

¶8 However, the meet and confer scheduled on September 12, 2018, never occurred because Rohn requested to reschedule. On September 13, 2018, Brumant emailed Davis-Brathwaite stating that Rohn sought to reschedule the meet and confer scheduled on September 12, 2018. The email also inquired about Davis-Brathwaite’s availability on September 14, 2018 to which Davis-Brathwaite did not respond.

¶9 On September 18, 2018, Brumant sent a follow-up email. Davis-Brathwaite responded the same day, stating:

I have made myself available on three different occasions to confer, the last time, September [12, 2018], allowing an entire hour suspecting that Attorney Rohn may have been caught up in something else. Defendant’s position remains the same in that no supplement is needed.

¶10 On October 11, 2018, Donastorg filed the instant Motion to Compel. Donastorg avers that

² Compl. ¶ 7.

³ Notice of Serv. of Resps. to Pl. Adlah “Foncie” Donastorg’s First Set of Interrogs. to Def. Amber Walker; 1. Notice of Serv. of Def.’s Resp. to Pl. Adlah “Foncie” Donastorg’s First Demand for Produc. of Docs; 1.

Defendant's counsel is refusing to meet and confer and that Defendant's counsel would stand on the responses previously provided. In her opposition, Walker avers that Donastorg's Motion to Compel lacks a good faith basis. Walker further avers that she provided all information reasonably within her control and bearing on the parties' pleadings.

II. LEGAL STANDARD

¶11 Effective March 31, 2017, the Virgin Islands Rules of Civil Procedure apply to proceedings in the courts of the Virgin Islands. Rule 26 governs the scope of a party's duty to disclose information during discovery and to produce documents for inspection. Rule 26(b)(1) reads: "[u]nless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense." Rule 26(b) provides that a party may obtain discovery regarding any nonprivileged matter that is relevant to a party's claim or defense.⁴ Rule 26(b) further specifies that information does not need to be admissible as evidence to be discoverable.⁵ To be more specific, "the singular factor for determining whether information is discoverable is its relevance."⁶

¶12 Consequently, Virgin Islands Rule of Evidence 401 applies here. Rule 401 defines relevant evidence as evidence tending to make a fact more or less probable than it would be without the evidence and of consequence in determining the action. "The test for relevance is whether proffered evidence has 'any tendency' to make the existence of any fact that is 'of consequence' to the determination of the action 'more probable or less probable than it would be without the evidence.'"⁷ The "any tendency" language makes the standard for Rule 401 relevance very easy to satisfy.⁸ "Rule 401 does not require the evidence to be dispositive of a fact in issue: the bar is much lower and simply requires that the existence (or non-existence) of such fact make it more or less likely."⁹

¶13 Furthermore, Rule 37 is instructive when determining whether to order a party to tender discovery responses. Rule 37(a)(1) provides that a party may move for an order compelling disclosure or discovery. Rule 37(a)(1) further provides that "the motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action."

¶14 Specifically, Rule 37-1 mandates that both parties engage in substantive, good faith negotiations before filing a motion to compel.¹⁰ "In order to prove these substantive, good faith

⁴ V.I. R. Civ. P. 26(b).

⁵ V.I. R. Civ. P. 26(b).

⁶ *Finn v. Adams*, Super. Ct. Civ. ST-16-CV-752, 2017 WL 5957669, at *3 (V.I. Super. Ct. Nov. 29, 2017) (unpublished).

⁷ *Thomas v. People of the V.I.*, 60 V.I. 183, 196 (V.I. 2013) (citing FED. R. EVID. 401). While the V.I. Supreme Court cites to Federal Rule of Evidence 401, the Court finds that the analysis provided by *Thomas* to be persuasive because Federal Rule of Evidence 401 and Virgin Islands Rule of Evidence 401 are identical.

⁸ *Id.*

⁹ *Ostalaza v. People of the V.I.*, 58 V.I. 531, 564 (V.I. 2013).

¹⁰ V.I. R. Civ. P. 37-1. *Victor-Perez v. Diamondrock Frenchman's Owner, Inc.*, Super. Ct. Civ. No. ST-15-CV-387, 2018 WL 1725207, at *2 (V.I. Super. April 5, 2018)

negotiations occurred, Rule 37–1(a) requires the moving party to complete certain procedural steps.”¹¹ Accordingly, before addressing the substance of Donastorg’s Motion to Compel, the Court must address whether Donastorg fulfilled the threshold procedures prescribed in Rule 37 and Rule 37 – 1.¹²

III. ANALYSIS

A. The parties failed to satisfy Rule 37’s Meet and Confer requirement.

¶15 Donastorg argues that Walker’s counsel indicated that she would no longer make herself available to meet and confer and that Walker stands on the responses previously provided. Pursuant to Rule 37 – 1(a) counsel for parties and any self-represented parties shall confer in a good faith effort to eliminate the necessity for the motion – or to eliminate as many of the disputes as possible.” “Good faith ‘mandates a genuine attempt to resolve the discovery dispute through non-judicial means.’”¹³ “Conferment requires that the moving party ‘must personally engage in two-way communication with the non-responding party to meaningfully discuss each contested discovery dispute in a genuine effort to avoid judicial intervention.’”¹⁴ Importantly, “these mandates include “honesty in one’s purpose to meaningfully discuss the discovery dispute . . . and faithfulness to one’s obligation to secure information without court action.”¹⁵

¶16 After reviewing the email exchange between the parties, the Court finds there was not a genuine attempt to meet and confer in good faith.¹⁶ Walker’s counsel did not receive a response to her email indicating that she was available on July 24, 2018 for a teleconference. Further, while Donastorg’s counsel agreed to meet and confer on the September 5, 2018 and September 12, 2018, she cancelled both of the scheduled meetings. While it is the responsibility for the movant to attempt to meet and confer in good faith, Donastorg’s counsel cannot frustrate that effort by continuously rescheduling the agreed upon dates.¹⁷ Further, Walker did not provide the Court with legal authority that opposing counsel rescheduling a meet and confer should be considered as a valid basis to no longer attempt to meet and confer. Given these circumstances, the Court finds that the counsel for the parties did not attempt to meet and confer in good faith before filing the Motion to Compel.¹⁸

¹¹ *Victor-Perez v. Diamondrock Frenchman's Owner, Inc.*, Super Ct. Civ. No. ST–15–CV–387, 2018 WL 1725207, at *3 (V.I. Super., April 5, 2018).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ V.I. R. Civ. P. 37; V.I. R. Civ. P. 37 – 1 (b)-(c).

¹⁷ *Neumeyer v. Wawanese General Insurance Company*, 2015 WL 11711827, at *5 (S.D.Cal. 2015) (“Defendants’ burden to show a good faith effort to meet and confer, Plaintiff cannot frustrate that effort by not appearing at the meeting.”).

¹⁸ V.I. R. Civ. P. 37 – 1 (b)-(c).

¶17 However, in the interest of judicial economy and efficiency, the Court will address the merits of Donastorg's Motion to Compel.¹⁹ While the procedural deficiency of Donastorg's Motion to Compel would ordinarily warrant the denial of the motion outright,²⁰ courts have typically bypassed procedural defects where there is "adequate support for the finding that the parties were at an impasse."²¹ "An evaluation of whether, from the perspective of a reasonable person in the position of the discovering party, additional effort appeared likely to bear fruit, should also be considered."²² Here, the Court finds that the parties have reached an impasse.²³ Walker asserts in her response letter to Donastorg's counsel, in the email exchange, and in the opposition, that she need not supplement her answers to Interrogatory Nos. 1, 10, and 18 or Demand Nos. 5, 8, 14, 16, and 17 because they are complete. Consequently, the Court will address the merits of the Motion to Compel.

B. The Court will compel Walker to provide full and complete supplemental responses to Interrogatory No. 10 and Demand Nos. 5 and 8.

¶18 For discovery to progress effectively, each party must provide truthful, complete, candid, and explicit responses to each individual discovery request.²⁴ By signing a discovery response, the party or attorney, or both, "certifies that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry," each disclosure is complete and correct and that each discovery response is warranted by law, not interposed for any improper purpose, and neither is unreasonable nor unduly burdensome.²⁵ "Gamesmanship to evade answering as required is not allowed."²⁶

1. First Set of Interrogatories

¶19 Donastorg moves the Court to compel Walker to supplement her responses to Interrogatory Nos. 1, 2, 3, 10, and 18. In his reply brief, Donastorg withdrew Interrogatory No. 1. Also, in his reply brief, Donastorg for the first time mentions Interrogatory Nos. 2 and 3. However, he failed to include the text of Interrogatory Nos. 2 and 3. By Order dated March 27, 2019,²⁷ the Court ordered Donastorg to provide the Court with the text of Interrogatory Nos. 2 and 3. To date, the Court has only received text for Interrogatory No. 2.²⁸ Consequently, the Court will only address Interrogatory Nos. 2, 10, and 18.

¹⁹ *Fenster v. deChabert*, Super. Ct. Civ. No. SX-16-CV-343, 2017 WL 4541512, at *5 (V.I. Super., Oct. 4, 2017) (In the interest of judicial economy, the Court held a procedurally deficient motion to compel in abeyance and directed party to submit an amended motion to compel that complies with the Virgin Islands Rules of Civil Procedure).

²⁰ *Id.*

²¹ *Clement v. Alegre*, 99 Cal.Rptr.3d 791, 804 (Cal.App. 1 Dist. 2009) (denying Plaintiffs' argument that Defendant's discovery motions were not preceded by a reasonable and good faith effort to meet and confer).

²² *Id.*

²³ *Id.*

²⁴ See *Wagner v. St. Paul Fire & Marine Ins. Co.*, 238 F.R.D. 418, 422 (N.D.W.V. 2006).

²⁵ V.I.R. Civ. P. 26(g)(1).

²⁶ *Wagner*, 238 F.R.D. at 422.

²⁷ *Nunc Pro Tunc* March 25, 2019.

²⁸ Am. Notice of Filing; 2; Mar. 26, 2019; Notice of Filing; 2; Mar. 26, 2019.

¶20 Rule 33 requires that a party served with interrogatories provide an answer or objection to each interrogatory “within thirty (30) days after being served,” unless that party “represents in good faith in its response that it cannot — in the exercise of reasonable efforts — prepare an answer from information in its possession or reasonably available to the party.” “The grounds for objecting to an interrogatory must be stated with specificity.”²⁹ “Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.”³⁰

Interrogatory No. 2

¶21 Donastorg argues that a response to Interrogatory No. 2 is still outstanding because Walker failed to disclose the contents of her conversation with her husband Claude Walker at the scene of the accident. Donastorg filed two different documents providing two different versions of Interrogatory No. 2. On March 25, 2019, Donastorg filed a document which provided that Interrogatory No. 2 states:

Please describe the vehicle driven by you on the day of the incident alleged in Plaintiff’s Complaint, including color, make, model, Vehicle Identification Number (VIN), and identify the owner(s) of the subject vehicle.

¶22 Walker’s response to Interrogatory No. 2 states: “I was driving a maroon Honda Ridgeline; VIN 5FPYK1F43DB007035 jointly owned by myself and Claude Walker.”

¶23 On March 26, 2019, Donastorg filed a document which provided the following version of Interrogatory No. 2:

For the past five-year period, state the complete addresses of all the places where you have lived, including the dates of residence at each address for the past five years.

¶24 The response to Interrogatory No. 2 states: “1-123-13 Estate Wintberg, St. Thomas, US Virgin Islands (2002-Present).”

¶25 The Court is unable to determine which Interrogatory No. 2 text coincides with Donastorg’s Motion to Compel. In fact, the two different Interrogatory Nos. 2 above do not ask Walker to disclose the contents of her conversation with Claude Walker.³¹ The Court is unable to decipher which Interrogatory No. 2 Donastorg wants the Court to compel Walker to supplement. As a result, the Court will not order Walker to supplement her response to Interrogatory No. 2.

Interrogatory No. 10

¶26 Next, Donastorg asserts that Walker’s response to Interrogatory No. 10 was not truthful because Donastorg personally witnessed Claude Walker arrive at the scene, converse with Walker,

²⁹ V.I. R. CIV. P. 33(b)(4).

³⁰ V.I. R. CIV. P. 33(b)(3).

³¹ Reply to Opp’n to Mot. to Compel; 2; Oct. 31, 2018.

and proceed to move the evidence. Interrogatory No. 10 states:

Please identify by date and describe in detail the substance of all communications between you or anyone acting on your behalf and any other individual with knowledge of relevant facts concerning the accident described in Plaintiff's Complaint, including, but not limited to Plaintiff or any witness(es), identify the method of each communication and all parties to each communication.

¶27 Walker's supplemental response states:

Defendant's response is complete. Only Defendant and her daughter, Eliza, were in her vehicle at the time of the accident. Also, Defendant did not identify Claude Walker in her initial disclosures of February 12, 2018 as an individual with information bearing on her defense. Finally, Defendant did not have any "conversations with the insurance carrier" that were responsive to the interrogatory that she identify "any other *individual* with knowledge of relevant facts."

¶28 The Court will compel Walker to supplement her prior response to Interrogatory No. 10 because the information sought by that interrogatory is relevant to Donastorg's claim.³² Indeed, the individuals who could possess the relevant facts are Walker and her daughter, Eliza Walker, the two people who were at the scene of the accident. However, if Walker called her husband from the scene of the accident, he could also possess relevant information.³³ Consequently, the Court finds Walker must respond to Interrogatory No. 10 fully and completely by supplement with any discoverable information Claude Walker may have regarding the accident.³⁴

Interrogatory No. 18

¶29 Donastorg avers that Walker's response to Interrogatory No. 18 is not complete because she failed to provide the insurance adjuster's reports, which are not privileged. Donastorg further avers that Claude Walker conducted an investigation and that he is entitled to the results of that investigation.

¶30 Interrogatory No. 18 states:

Please identify and describe all investigations you or anyone acting on your behalf conducted concerning any matter relevant to the subject incident and/or the allegation in Plaintiff's Complaint, set forth the date of each investigation, the name of each person who participated in and/or who has knowledge of these investigations and the results of the same.

³² V.I. R. Civ. 26 (b); V.I. R. EVID. 401.

³³ V.I. R. Civ. 26 (b); V.I. R. EVID. 401.

³⁴ V.I. R. Civ. P. 33(b)(3).

¶31 Walker's supplemental response states:

Defendant does not agree with Plaintiff's interpretation of Claude Walker appearing at the scene of the accident involving his wife and daughter as an 'investigation.'

¶32 The Court will not compel Walker to respond further to Interrogatory No. 18. In his Motion to Compel, Donastorg for the first time argues that Walker failed to provide the unprivileged insurance adjuster's reports. However, Rule 37 – 1 (b) provides that “[t]he party requesting resolution of a discovery dispute shall serve a letter on other counsel identifying each issue and/or discovery request in dispute, stating briefly the moving party's position with respect to each (and providing any legal authority), and specifying the terms of the discovery order to be sought.” Rohn's letter dated July 26, 2018 does not mention any contentions about insurance adjuster reports in reference to Interrogatory No. 18.³⁵

¶33 Moreover, the Court will not order Walker to respond further to Interrogatory No. 18 based on Donastorg's characterization of Claude Walker's appearance at the scene of the accident. The Court also notes that Claude Walker is the former Attorney General of the Territory. However, it is not the duty of the Attorney General's office to investigate an automobile accident between two private citizens. To the extent that Claude Walker appeared at the scene of the accident, he did so as a private citizen and as the husband of Walker. Given that Donastorg has not provided the Court with any information to the contrary, the Court will not compel Walker to supplement her response to Interrogatory No. 18 with results of any alleged investigation Donastorg claims Claude Walker conducted.

2. First Demand of Production of Documents

¶34 Donastorg moves the Court to compel responses to Demand Nos. 5, 8, 14, 16, and 17. In his reply brief, Donastorg withdrew Demand No. 17. As a result, the Court will only address Demand Nos. 5, 8, 14, and 16.

¶35 Rule 34(a)(1) provides that a party may serve on any other party a request within the scope of Rule 26(b): “to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control” Moreover, Rule 34(b)(2)(B) provides that in responding to each request for production, “the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request.” Any objection must “state whether any responsive materials are being withheld on the basis of that objection with sufficient particularity to identify what has been withheld.”³⁶

³⁵ Pl.'s Mot. to Compel Def. to Supp. Written Disc., Ex. 1.

³⁶ V.I.R. Civ. P. 34(b)(2)(C).

Demand No. 5

¶36 Donastorg moves the Court to compel Walker to produce emails and calls to Claude Walker. Demand No. 5 states:

Please produce copies of all emails, text messages, notes, memos, correspondence, audio recordings or other documents and communications, between you and any other person or entity, concerning in any manner, the subject incident and/or the damages sustained by Plaintiff as a result of the incident.

¶37 Walker's supplemental response states:

Defendant's response is complete. Defendant has never identified Claude Walker as an individual with information bearing on the defense.

¶38 The Court will compel Walker to respond further to Demand No. 5. The Court finds that, to the extent that Walker communicated with her husband, Claude Walker, regarding the accident, that information is relevant to the claims set forth in the Complaint.³⁷ Walker does not offer the Court with any persuasive legal authority or objections for the Court to hold otherwise. Accordingly, the Court will compel Walker to supplement her response to Demand No. 5.³⁸

Demand No. 8

¶39 Donastorg also moves the Court to compel Walker to produce any statements Walker made to her "insurance carriers." Demand No. 8 states:

Please produce copies of all documents and communications which support your version of how the subject incident occurred.

¶40 Walker's supplemental response states:

Defendant's response is complete. Defendant made no other statements about how the accident occurred.

¶41 The Court will compel Walker to produce any statements made to "insurance carriers" including any made to insurance adjusters. As delineated by Rule 26(b), parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense. The Court finds that information provided, if any, by Walker to "insurance carriers" are relevant to Donastorg's claims.³⁹ Accordingly, the Court will compel Walker to supplement her prior response to Demand No. 8 with any statements made to "insurance carriers" or insurance adjusters.

³⁷ V.I. R. CIV. 26 (b); V.I. R. EVID. 401.

³⁸ V.I. R. CIV. P. 33(b)(3).

³⁹ V.I. R. CIV. 26 (b); V.I. R. EVID. 401.

Demand No. 14

¶42 Donastorg then moves the Court to compel Walker to produce cell phone records the day of the subject incident. Demand No. 14 provides:

Please produce a copy of your cellular phone bill for each cellular phone utilized on the date of the subject incident for that billing period, to include the date of the subject incident.

¶43 Walker's supplemental response provides:

Defendant's response is complete. There is no allegation that Defendant caused the accident, because she was distracted by her cell phone or that she was on the cell phone at the time of the accident.

¶44 However, Donastorg does not explain how cell phone records, which the Court presumes are to identify who Walker spoke with during the day of the accident, are relevant to the matter. The Court finds also this demand as overly burdensome.⁴⁰ Accordingly, the Court will not compel Walker to respond further to Demand No. 14.

Demand No. 16

¶45 Finally, Donastorg moves the Court to compel documents or communications concerning any investigations at the scene of the accident. Demand No. 16 states:

Please produce copies of all documents and communications which concern any investigations by you or anyone on your behalf into any matter relevant to the subject incident and/or the allegations in Plaintiff's Complaint.

¶46 Walker's supplemental response states:

Defendant's response is complete. Defendant understands her obligation to supplement her responses under the Virgin Islands Rules of Civil Procedure.

¶47 With respect to Demand No. 16, Donastorg argues that Walker's "insurance carriers" investigated the scene of the automobile accident. To the extent that Walker had "insurance carriers" at the scene, those documents are relevant and discoverable under Rule 26(b). However, the Court compelled Walker to provide statements she made to "insurance carriers" that support her version of the incident in Demand No. 8. The Court finds that a response to Demand No. 8, which seeks communications made to "insurance carriers," is the same information sought by Demand No. 16. Consequently, the Court will not compel Walker to respond further to Demand No. 16, to the extent it seeks relevant communications made to "insurance carriers" about the

⁴⁰ V.I. R. Civ. 26 (b)(2)(C)(i)-(ii) (The Court must limit the extent of discovery if discovery sought is cumulative or duplicative or can be obtained from other sources that is more convenient, less burdensome, or less expensive.).

accident, because Demand No. 16 seeks information that is cumulative.⁴¹

IV. CONCLUSION

¶48 The Court will not compel Walker to supplement her responses to Interrogatory Nos. 2, 3, and 18 and Demand Nos. 14 and 16. However, the Court finds that Interrogatory No. 10 and Demand Nos. 5 and 8 seek nonprivileged information that is relevant to Donastorg's claims. Accordingly, the Court will grant in part and deny in part the instant Motion to Compel.

Accordingly, it is hereby

ORDERED that Plaintiff Adlah "Foncie" Donastorg's Motion to Compel Defendant to Supplement Written Discovery, filed on October 11, 2018, is **GRANTED in part** to the extent it moves the Court to compel supplemental responses to Interrogatory No. 10 and Demand Nos. 5 and 8; and it is further

ORDERED that Plaintiff Adlah "Foncie" Donastorg's Motion to Compel Defendant to Supplement Written Discovery, filed on October 11, 2018, is **DENIED in part** to the extent it moves the Court to compel supplemental responses to Interrogatory Nos. 2, 3, and 18 and Demand Nos. 14 and 16; and it is further

ORDERED that, on or before July 31, 2019, Defendant Amber Walker **SHALL** supplement her response to **Interrogatory No. 10** of the First Set of Interrogatories; and it is further

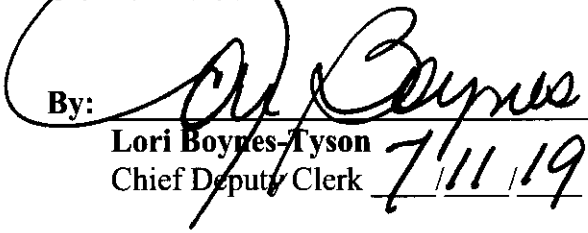
ORDERED that, on or before July 31, 2019, Defendant Amber Walker **SHALL** supplement her responses to **Demand Nos. 5 and 8** of the First Demands for Production of Documents; and it is further

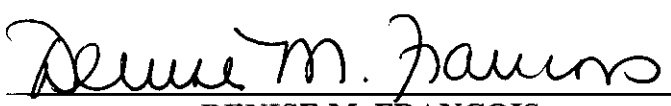
ORDERED that a copy of this Memorandum Opinion and Order shall be directed to Attorney Lee Rohn and Attorney Sharmane Davis-Brathwaite.

DATED: 7/11/2019

ATTEST:
Estrella H. George
Clerk of the Court

By:


Lori Boynes-Tyson
Chief Deputy Clerk



DENISE M. FRANCOIS

Judge of the Superior Court of the Virgin Islands

⁴¹ V.I. R. Civ. 26 (b)(2)(C)(i)-(ii).