

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

MAHMOUD SAAD, Individually, And
ZIHRA SAAD, Individually,

Plaintiffs

- Vs -

MICHAEL KRAUSE, et al.,

Defendants.

CASE NO. 10-cv-12635

PLAINTIFFS' MOTION TO COMPEL
DISCOVERY

- Honorable Patrick J. Duggan -

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27 **PLAINTIFFS' MOTION TO COMPEL DISCOVERY**

28 Pursuant to Federal Rule of Civil Procedure 37, the Plaintiffs hereby request that the
29 Court compel the Defendant City of Dearborn Heights to answer the Plaintiffs' First Set of
30 Interrogatories and Requests for Production of Documents (the "First Discovery Request").
[Exhibit 1]. The Plaintiffs have made multiple requests for responses to the First Discovery
Request and have sought concurrence in this Motion on November 9, 2010, which concurrence
has not been obtained.

BRIEF IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL DISCOVERY

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3 1. The Plaintiffs served the Defendants with the First Discovery Request on August
4 4, 2010. [**Exhibit 2**].

5 2. The First Discovery request pertained to the incident at the Saad residence.

6 3. The Plaintiffs followed-up with the Defendants regarding the First Discovery
7 Request on September 10, 2010 [**Exhibit 3**] and sent the Defendants a Second Set of
8 Interrogatories and Requests for Production of Documents (the "Second Discovery Request").
9 [**Exhibit 4**].

10 4. The Second Discovery Request pertained to the conspiracy claim and the Monell
11 claim regarding the excessive tickets.

12 5. On September 16, 2010, the Plaintiffs agreed to cancel/postpone a response to the
13 Second Discovery Request pending the outcome of the Defendants' Motion for Partial
14 Dismissal, but requested a response to the First Discovery Request. [**Exhibit 5**].

15 6. In a letter dated November 8, 2010 the Defendants requested a response to a
16 discovery request never served and/or received by the Plaintiffs. [**Exhibit 6**].

17 7. The Plaintiffs responded via email on November 9, 2010 by informing the
18 Defendants that no discovery request was ever received. [**Exhibit 7**]. The Plaintiffs further
19 responded by requesting a response to the First Discovery Request. [**Exhibit 7**].

20 8. To date, no response to the First Discovery Request has been received.

21 9. The Plaintiff has attempted in good faith to obtain a response to the First
22 Discovery Request, which was served over three months ago.

23 10. The Defendants have wholly ignored the Plaintiffs' requests.

24 11. Accordingly, the Plaintiffs hereby request this Court compel their response to the
25 First Discovery Request and award the Plaintiffs reasonable attorneys' fees for this Motion.

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