

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALYSSON MILLS, in her capacity as
Receiver for Arthur Lamar Adams and
Madison Timber Properties, LLC

PLAINTIFF

v.

CIVIL ACTION NO. 3:19-cv-364-CWR-FKB

THE UPS STORE, INC.; HERRING
VENTURES, LLC d/b/a The UPS Store;
AUSTIN ELSER; TAMMIE ELSER;
COURTNEY HERRING; DIANE LOFTON;
CHANDLER WESTOVER; RAWLINGS &
MACINNIS, PA; TAMMY VINSON, and
JEANNIE CHISHOLM

DEFENDANTS

ORDER

This matter is before the Court on the Motion to Compel [167] filed by Plaintiff Alysson Mills, in her capacity as Receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the “Receiver”) against The UPS Store, Inc. (“TUPSS”). TUPSS filed a response [176] in opposition, to which Plaintiff filed a rebuttal [178]. Having considered the parties’ submissions, the Court finds that Plaintiff’s motion [167] should be granted in part and denied in part.

The Receiver’s Motion to Compel [167] concerns TUPSS’s compliance with three Requests for Production of Documents and its response to Interrogatory No. 2. The Court finds and orders as follows:

Request for Production No. 6: Plaintiff’s motion is granted as to this request. The Court orders TUPSS to supplement its response to this request and produce the responsive documents in its possession, custody, or control. If TUPSS has already produced all responsive documents in its possession, custody, or control, its supplemental response shall so state.

Request for Production No. 8: Plaintiff's motion is denied as to this request, on the grounds that it is overly broad and unduly burdensome and exceeds the scope of permissible discovery under Fed. R. Civ. P. 26(b) by seeking information that is not relevant to the claims or defenses in this case and/or proportional to the needs of this case.

Request for Production No. 9: Plaintiff's motion is granted as to this request. The Court orders TUPSS to supplement its response to this request and produce the responsive documents in its possession, custody, or control.

Interrogatory No. 2: Plaintiff's motion is denied as to this interrogatory. This interrogatory asks TUPSS to "state all facts supporting the basis of [its] denial" of the allegations in ¶55 of the First Amended Complaint, which contend *inter alia* that TUPSS "controls every aspect of its stores' business." This interrogatory, therefore, essentially seeks to impose a burden on TUPSS to state *all* facts supporting *every* aspect of its franchisees' businesses that TUPSS does *not* control. This interrogatory is clearly overly broad, vague, and ambiguous, and TUPSS has already provided a sufficient response.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel [167] is granted in part and denied in part. Specifically, the Court hereby orders that:

1. By September 28, 2021, TUPSS shall supplement its responses and produce the documents responsive to Request for Production Nos. 6 and 9.
2. All other relief requested in Plaintiff's motion [167] is hereby denied.

SO ORDERED on the 7th day of September, 2021.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE