

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

KEVIN FOLTA, PH.D.,

Plaintiff,

v.

Case No. 1:17cv246-MW/GRJ

**THE NEW YORK TIMES COMPANY,
AND ERIC LIPTON**

Defendants.

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ORDER DENYING MOTIONS TO COMPEL

This Court has considered, without hearing, Plaintiff's Motions to Compel, ECF Nos. 52 & 53, and Defendants' Response, ECF No. 55. Plaintiff asserts he made a good faith attempt to resolve this dispute before filing his motions, but that's just not so. A bullish demand letter is not a good faith attempt at resolving anything. Plaintiff's motions could be properly denied on this basis alone.

In addition, many of Defendants' objections to Plaintiff's requests are well-founded. Indeed, some of Plaintiff's requests are downright silly. For example, Plaintiff's facially overbroad requests for production of any emails containing keywords like "lobby," "grant," and "organic." Plaintiff's assertion that these requests are sufficiently limited by the parameter that Defendants

produce only those sent or received between January 2015 and December 2015 is laughable. That's like asking this Judge to produce any emails sent in the last year containing the word "court."

The parties' correspondence about this matter makes plain to this Court that Plaintiff needs to take a step back, take a deep breath, and give a little more thought to some of his discovery requests. After Plaintiff filed his motion, Defendants apparently produced over 800 additional pages of article drafts, emails, and other information responsive to Plaintiff's requests. Plaintiff should review what's been provided before seeking intervention from this Court. If Plaintiff again determines Defendants' responses are incomplete and can't resolve the issue after actually conferring in good faith with Defendants, Plaintiff may renew his motions citing with specificity the discovery requests that remain unanswered. But until then, Plaintiff's Motions to Compel, ECF Nos. 52 & 53, are **DENIED**.

SO ORDERED on May 11, 2018.

s/Mark E. Walker
United States District Judge