

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-9096-CIV-MIDDLEBROOKS-BANDSTRA

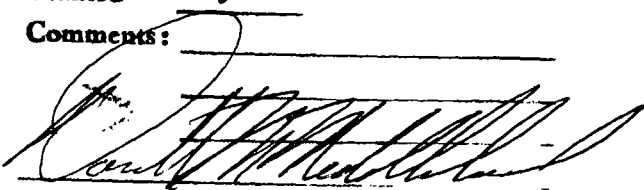
CARMELINA MARTINEZ  
JORGELIA VELASQUEZ  
ESTHER RAMOS,  
MARIA ESTER ESCOBAR TORRES,  
MARIE JOSE ALARCON, and  
LUIS ROCA, Individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

MECCA FARMS, INC.,  
MEDRANO HARVESTING & PACKING, INC.,  
MARIA MEDRANO,  
CANDIDO PACKING, INC.  
CANDIDO MUNOZ, INC.  
CANDIDO MUNOZ, and  
A-Z GRADING & PACKING, INC.,

Defendants.

**ORDER**  
Granted ✓  
Comments: \_\_\_\_\_  
  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE  
Date: 2/25/03

FILED by PA D.C.  
FEB 25 2003  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - W.P.B.

**DEFENDANT'S, MECCA FARMS, INC., MOTION TO COMPEL PLAINTIFFS  
TO RESPOND TO THE FIRST SET OF INTERROGATORIES TO PLAINTIFFS**

Defendant, Mecca Farms, Inc. ("Mecca"), by and through its undersigned counsel and pursuant to Federal Rules of Civil Procedure 26 and 33, requests the entry of an order compelling Plaintiffs to respond to Defendant's, Mecca Farms, Inc., First Set of Interrogatories to Plaintiffs (the "Interrogatories") and states as follows:

1. On August 22, 2002, Mecca served the Interrogatories on Plaintiffs. Copies of Defendant's, Mecca Farms, Inc., Notice of Serving First Set of Interrogatories to Plaintiffs and

*PA*  
*69*

Defendant's, Mecca Farms, Inc., First Set of Interrogatories to Plaintiffs are attached hereto, respectively, as Exhibits "A" and "B." As a consequence, Plaintiffs were required to respond to the Interrogatories by September 26, 2002.

2. Subsequently, Mecca received Plaintiffs' General Objections to Defendant Mecca Farms, Inc.'s Interrogatories to Plaintiffs ("Plaintiffs' General Objections") dated September 24, 2002. A copy of Plaintiffs' General Objections is attached hereto as Exhibit "C." In Plaintiffs' General Objections, Plaintiffs objected solely as to paragraph 3 of the Interrogatories on the grounds that "it improperly requests documents protected by the attorney work product privilege." Plaintiffs go on to state that the documents, which Mecca sought the identity of in paragraph 3 of the Interrogatories, "have been or are in the process of being produced." Such an objection is not well taken due to the fact that Mecca is only seeking the identity of documents that Plaintiffs anticipate introducing into evidence at any trial or in support of any motion. Accordingly, Mecca is only requesting that certain documents be identified, not that documents protected by the attorney/client privilege or work product privilege be produced. If Plaintiffs anticipate utilizing a document at trial or in support of a motion, Mecca is entitled to know of the existence of the document so that it can be located or requested through discovery.

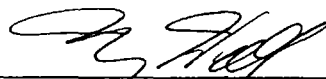
3. It was also stated in Plaintiffs' General Objections that the "responses are being prepared and will be forthcoming." After receiving Plaintiffs' General Objections, counsel for Mecca contacted counsel for the Plaintiffs and inquired as to when the replies to the Interrogatories would be forthcoming. When counsel for the Plaintiffs could not provide a definite time period, counsel for Mecca recommended that the Plaintiffs seek an extension from the Court.

4. To date, Plaintiffs have completely failed to respond to the Interrogatories other than stating a blanket general objection which does not apply to the Interrogatories. Furthermore, Plaintiffs have not sought an extension of time from the Court in which to respond to the Interrogatories. Accordingly, the Court should enter an order immediately compelling Plaintiffs to respond to the Interrogatories and award Mecca its reasonable expenses incurred in bringing this Motion, including its attorneys' fees.

WHEREFORE, Defendant, Mecca Farms, Inc., respectfully requests this Court enter an order compelling Plaintiffs to respond to Defendant, Mecca Farms, Inc.'s Interrogatories to Plaintiffs, award Mecca Farms, Inc. its reasonable expenses incurred in bringing this Motion, and granting such other and further relief as is just and proper.

Respectfully submitted,

CARLTON FIELDS, P.A.  
222 Lakeview Avenue, Suite 1400  
West Palm Beach, FL 33401-6149  
Telephone:(561) 659-7070  
Facsimile: (561) 659-7368  
Attorneys for MECCA FARMS, INC.

By:   
\_\_\_\_\_  
Joseph Ianno, Jr.  
Florida Bar No. 655351  
e-mail: [jianno@carltonfields.com](mailto:jianno@carltonfields.com)

Henry S. Wulf, Esq.  
Florida Bar Number 0056049  
e-mail: [hwulf@carltonfields.com](mailto:hwulf@carltonfields.com)