

STATE OF MICHIGAN  
MACOMB COUNTY CIRCUIT COURT

JVIS-USA, LLC, a Michigan limited liability company and JVIS MANUFACTURING, LLC, a Michigan limited liability company, d/b/a, JVIS USA MANUFACTURING, LLC,

Plaintiffs,

vs.

Case No. 2013-2742-CB

NARTRON CORPORATION, n/k/a GEN X MICROSYSTEMS and a/k/a OLDNAR CORPORATION, a Michigan corporation and UUSI, LLC, d/b/a NARTRON, a Michigan limited liability company,

Defendants,

and

UUSI, LLC, d/b/a NARTON, a Michigan limited liability company,

Defendant/Counter and Third-Party Plaintiff

vs.

JVIS-USA, LLC, a Michigan limited liability company and JVIS MANUFACTURING, LLC, a Michigan limited liability company, d/b/a, JVIS USA MANUFACTURING, LLC

Counter-Defendants,

and

FUTABA CORPORATION OF AMERICA, a foreign corporation, THOMAS J. GRONSKI, RANDY GRIFFIN, and GINA TERRY,

Third-Party Defendants.

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CARMELLA SABAGH  
MACOMB COUNTY CLERK  
MT. CLEMENS, MICHIGAN

2016 SEP 26 P. 2:28

FILED

## OPINION AND ORDER

Defendants seek to compel more detailed answers to interrogatories 12, 13 and 14 of Defendants' sixth sets of interrogatories and requests for production. Plaintiffs have filed a response and requests that the motion be denied.

### I. Standard of Review

A motion to compel discovery is a matter within the trial court's discretion, and the court's decision to grant or deny a discovery motion will be reversed only if there has been an abuse of that discretion. *Linebaugh v Sheraton Michigan Corp*, 198 Mich App 335, 343-346; 497 NW2d 585 (1993). Generally, parties may obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending action. *Id.*; MCR 2.302(B)(1). MCR 2.313(A)(2)(a) permits the Court to enter an order compelling discovery if a deponent fails to answer a question made during a deposition. Although broad discovery is encouraged, a party opposing discovery must not be subject to "excessive, abusive, irrelevant or unduly burdensome discovery requests." *Hamed v Wayne County*, 271 Mich App 106, 110; 719 NW2d 612 (2006) (internal citation omitted). As such, a court may issue "any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." MCR 2.302(C). Furthermore, discovery should not be extended merely to allow a "fishing expedition." *VanVorous v Burmeister*, 262 Mich App 467, 477; 687 NW2d 132 (2004).

## II. Arguments and Analysis

The first interrogatory remaining at issue is interrogatory 12, which provides:

For each "statement" you contend [Defendants] made to [Plaintiffs] that "Nartron still does not (after buying used equipment and installing a second production line known as the F-2 Line) have the equipment and/or capacity to produce printed circuit boards assemblies at production volumes communicated to Nartron from December 2012 through April 2013" in Paragraph 86(e) of the Amended Complaint please identify:

- a. The date and time of each statement;
- b. Whether the statement was made verbally or in writing;
- c. If verbally, the location of the statement, the speaker and any witnesses who heard the statement; and
- d. If in writing, the author of the statement, the recipient(s) of the statement, and a copy of the writing or identification of the bates number(s) for the writing(s) if previously produced.

In response, Plaintiffs provided the following answer:

On many different occasions between December 2012 and April 2013, through quotes, emails and verbally, Nartron stated that it needed to purchase additional capital equipment in order to meet Chrysler and JVIS' volume requirements for PCBs for the WK ICS. Nartron repeatedly demanded that JVIS pay for this additional capital equipment so that Nartron could purchase the F3 line to meet the required volumes. Nartron sent several quotes to JVIS, demanding that JVIS either pay a lump sum of approximately \$1,600,000 for the capital equipment or pay an amortized piece price increase of \$2.12 per part for the capital equipment. In further answer, JVIS refers Nartron to its response to Interrogatory 21 below.

The answer to interrogatory 21 is exactly the same as its answer to number 12, but it goes on to reference four quotes and other bates numbered documents. Additionally, Plaintiffs supplemented their answer by identifying over 60 documents by bates number.

MCR 2.309(E) permits a party responding to an interrogatory to do so by referring to business records. Specifically, the court rule provides:

(E) Option to Produce Business Records.

Where the answer to an interrogatory may be derived from

- (1) The business records of the party on whom the interrogatory has been served;
- (2) An examination, audit, or inspection of business records, or
- (3) A compilation, abstract, or summary based on such records,

and the burden of deriving the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to the interrogatory to specify the records from which the answer may be derived and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect the records and to make copies, compilations, abstracts, or summaries. A specification shall be in sufficient detail to permit the interrogating party to identify, as readily as can the party served, the records from which the answer may be derived.

Upon reviewing Plaintiffs' response, the Court is satisfied the response complies with MCR 2.309. Subsection (E) allows a responding party to do so by referring to business records. Defendants have not established that the facts in this case present a situation that renders Plaintiffs' response inadequate. As a result, Defendants' request to compel a more detailed answer to interrogatory no. 12 will be denied.

The remainder Defendants' motion focuses on interrogatories 13 and 14. Plaintiffs' answers to those interrogatories also consist of referencing numerous documents by bates numbers. For the reasons discussed above, the Court is satisfied that Defendants have failed to establish that Plaintiffs' method of responding was insufficient and/or inappropriate. As a result, Defendants' request to compel more detailed answers to those interrogatories will be denied.

### III. Conclusion

For the reasons set forth above, Defendants' motion to compel more detailed

responses to interrogatories 12-14 is DENIED. Pursuant to MCR 2.602(A)(3), the Court states this Opinion and Order neither resolves the last claim nor closes the case.

IT IS SO ORDERED.

Date: SEP 26 2016

Kathryn A. Viviano  
Hon. Kathryn A. Viviano, Circuit Court Judge