UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Antonio Garcia v. LHM SWH, LLC, doing business as LHM Southwest Hyundai Albuquerque; Liberty Mutual Insurance Company; and Hyundai Capital America, doing business as Hyundai Motor Finance

Garcia · No. 1:25-cv-942-JMR-KRS · Decided February 25, 2026

SUMMARY

The United States District Court for the District of New Mexico granted in part and denied in part as moot, without prejudice, Plaintiff Antonio Garcia's motion to compel Liberty Mutual Insurance Company to provide complete discovery responses. The court ordered Liberty Mutual to provide a supplemental response to Interrogatory 4 concerning the factual bases, documents, and witnesses supporting its affirmative defenses, but declined to award fees.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kevin R. Sweazea
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 25, 2026
DOCKET	1:25-cv-942-JMR-KRS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel Liberty Mutual to provide complete responses to the first set of discovery, specifically including the factual bases, documents, and witnesses supporting each affirmative defense.
STANDARD OF REVIEW	The court assessed whether Liberty Mutual had provided a complete response to a discovery interrogatory under the Federal Rules of Civil Procedure.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Antonio Garcia v. LHM SWH, LLC, doing business as LHM Southwest Hyundai Albuquerque, Liberty Mutual Insurance Company, Hyundai Capital America, doing business as Hyundai Motor Finance

TOPICS

discovery dispute · affirmative defenses · civil procedure · insurance · commercial litigation

PRACTICE AREAS

civil procedure · discovery · insurance litigation

QUESTIONS PRESENTED

1. Whether a party may respond to an interrogatory seeking the factual basis, documents, and witnesses supporting affirmative defenses by referring generally to the pleadings and reserving the right to amend or withdraw defenses.
2. Whether Liberty Mutual was required to supplement its response if it later became aware of facts, witnesses, or documents supporting its defenses.
3. Whether either party was entitled to fees for the motion to compel.

HOLDINGS

1. A party must provide a complete substantive response to an interrogatory seeking the factual basis for its affirmative defenses and identifying supporting documents and witnesses; it may not rely on the assertion that its defenses are self-explanatory or on a general reservation of the right to amend or withdraw them.
2. If a party later becomes aware of facts, witnesses, or documents supporting an affirmative defense, it must supplement its discovery response within the period required by the governing discovery order; if it cannot provide evidentiary support for a defense, it may withdraw that defense.
3. The court declined to award fees because each party's position concerning the motion was reasonable.

KEY QUOTATIONS

> *"If Liberty Mutual does not, at this time, have any facts, witnesses, or documents to support a defense, its response to Interrogatory 4 should so state."* (¶ 5)

> *"Until it does so, however, the defenses are subject to discovery."* (¶ 5)

> *"Therefore, Liberty Mutual's supplemental response to Interrogatory 4 shall be served on or before March 18, 2026."* (¶ 6)

FACTUAL BACKGROUND

Liberty Mutual's answer asserted nineteen separate defenses. In response to an interrogatory requesting the factual basis for each defense and identification of supporting documents and witnesses, Liberty Mutual stated that its defenses were self-explanatory, could be amended or withdrawn, and were reserved subject to facts developed during litigation. The court found that response inadequate and required a supplemental response based on information presently known to Liberty Mutual.

PROCEDURAL HISTORY

The motion to compel was partially mooted by Liberty Mutual's supplemental responses concerning Interrogatory 1 and Request for Production 3. The court granted the motion as to Interrogatory 4, denied the moot portion without prejudice, ordered Liberty Mutual to supplement its response, and declined to award fees because both parties' positions were reasonable.

DISPOSITION

other

CASES CITED

- Williams v. Sprint/United Management Co., 235 F.R.D. 494, 501 (D. Kan. 2006)
- StairMaster Sports/Medical Products, Inc. v. Groupe Procycle, Inc., 182 F.R.D. 117, 119 (D. Del. 1998)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO ANTONIO GARCIA, Plaintiff, v. No. 1:25-cv-942-JMR-KRS LHM SWH, LLC, doing business as LHM Southwest Hyundai Albuquerque; LIBERTY MUTUAL INSURANCE COMPANY; and HYUNDAI CAPITAL AMERICA, doing business as Hyundai Motor Finance, Defendants. ORDER This matter is before the Court on Plaintiff's Opposed Motion To Compel Defendant Liberty Mutual Insurance Company To Provide Complete Discovery Responses To First Set of Discovery ("Motion") (Doc.

43). 1. The Motion is denied without prejudice as moot to the extent that the parties have resolved their disputes concerning certain discovery requests. See (Doc. 63 at 1 (Plaintiff's Reply Brief In Support Of Motion To Compel Defendant Liberty Mutual Insurance Company To Provide Complete Discovery Responses To First Set of Discovery) (stating that Liberty Mutual's supplemental responses have resolved the Motion as to Interrogatory 1 and Request for Production 3).

2. The Motion is granted as to the remaining disputed discovery request (Interrogatory 4). 3. Interrogatory 4, and Liberty Mutual's response, state as follows: INTERROGATORY NO. 4: For each affirmative defense you asserted in your Answer to Plaintiff's Complaint for damages, state the factual basis for the defense and identify all documents and witnesses you may use in support of that defense.

ANSWER: Liberty Mutual states that the assertion of defenses raised in its Answer are self-explanatory and may be amended or withdrawn through the course of the litigation, depending on the evidence uncovered. Liberty Mutual specifically reserves the right to assert and maintain any affirmative defense as would be supported by the facts developed. (Doc. 44-1 at 3).

4. Liberty Mutual’s objections to Interrogatory 4 are without merit. Liberty Mutual’s Answer to the Complaint asserts nineteen separate “defenses.” See (Doc. 3 at 9-11). Even if the defenses were “self-explanatory” (the Court agrees with Plaintiff that they are not), and even if “self-explanatory and may be amended or withdrawn” were valid objections that can be made to a discovery request (again, the Court agrees with Plaintiff that they are not), Plaintiff is entitled to a complete response to Interrogatory 4.

See, e.g., FED. R. CIV. P. 26(b)(1) (permitting parties to obtain discovery regarding “any nonprivileged matter that is relevant to any party’s…defense”); FED. R. CIV. P. 26(a)(1)(A)(1)(i) (requiring parties to make initial disclosures of any “individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its … defenses”); FED.

R. CIV. P. 26(a)(1)(A)(1)(ii) (requiring parties to identify and produce as part of their initial disclosures all documents “that the disclosing party … may use to support its … defenses”).1 5. If Liberty Mutual does not, at this time, have any facts, witnesses, or documents to support a defense, its response to Interrogatory 4 should so state. If Liberty Mutual later becomes 1 See also Williams v. Sprint/United Mgmt.

Co., 235 F.R.D. 494, 501 (D. Kan. 2006) (“Plaintiffs may not answer the interrogatory by generally referring Defendant to the pleadings filed in this case …. Absent compliance with Rule 33(d) or attachment of the appropriate documents, a responding party may not answer an interrogatory by directing the party propounding the interrogatory to find answers from previously produced documents or identified witness lists.”). aware of facts or witnesses or documents in discovery to support those defenses, then it would have to supplement its discovery response within 30 days of becoming aware of those facts or witnesses or documents.

See (Doc. 26 at 2 (f)). If Liberty Mutual determines at any time that it will be not be able to provide evidentiary support for some or all of its defenses, it may withdraw those defenses. Until it does so, however, the defenses are subject to discovery.” 6.

Therefore, Liberty Mutual is ORDERED to serve Plaintiff with a supplemental response to Interrogatory 4, answering the Interrogatory fully, based on information presently known to it. Liberty Mutual’s supplemental response to Interrogatory 4 shall be served on or before March 18, 2026. Notice of Compliance with this Order shall be filed on the docket simultaneous with service of the supplemental response.

7. The Court finds that each party’s respective position in connection with Doc. 43 was reasonable, and therefore the Court will not award fees for the present Motion. ACCORDINGLY, Plaintiff's Opposed Motion To Compel Defendant Liberty Mutual Insurance Company To Provide Complete

Discovery Responses To First Set of Discovery ("Motion") (Doc. 43), is denied in part without prejudice as moot, and is granted in part as set forth above.

IT IS SO ORDERED this 25th day of February, 2026. KEVINR.SWEAZEA sits UNITED STATES MAGISTRATE JUDGE 2 See, e.g., StairMaster Sports/Med. Prods., Inc. v. Groupe Procycle, Inc., 182 F.R.D. 117, 119 (D. Del. 1998) (holding it was improper for the defendant to refuse to respond substantively to discovery requests relating to its affirmative defenses on the ground of prematurity, stating that the defendant had "decided effectively to grant itself a stay of discovery" insofar as its affirmative defenses were concerned, allegedly because of the fact that it had no relevant information to support the defenses and was simply waiting in the hopes that plaintiff would unilaterally produce supporting information).