

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

Kregg v. Maldonado

Kregg v. Maldonado · No. CA 12-01664 · Decided November 8, 2013

SUMMARY

The New York Supreme Court, Appellate Division, Fourth Department, affirmed an order denying the plaintiff’s cross motion to compel American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan to provide further discovery responses. The court held that the plaintiff’s bare allegations of relevancy were insufficient to justify the requested discovery.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Scudder, P.J.; Centra, J.; Carni, J.; Lindley, J.; Sconiers, J.
JURISDICTION	New York
DECIDED	November 8, 2013
DOCKET	CA 12-01664
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from an order denying her cross motion to compel American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan to provide further responses to a notice to produce.
PRECEDENTIAL VALUE	published appellate memorandum and order
PARTIES	Charlotte Kregg, as guardian of Christopher M. Williams v. Eileen Maldonado, et al., American Suzuki Motor Corporation, Suzuki Motor Corporation of Japan

TOPICS

- discovery dispute
- civil procedure
- appellate procedure

PRACTICE AREAS

- civil procedure
- discovery

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to an order compelling American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan to provide further responses to her notice to produce based on her assertions that the requested information was relevant.

HOLDINGS

1. A plaintiff's bare allegations that requested discovery is relevant are insufficient to justify an order compelling defendants to provide further responses.

KEY QUOTATIONS

“Plaintiff’s “bare allegations of relevancy” with respect to the information sought are insufficient to entitle plaintiff to that relief”

FACTUAL BACKGROUND

Christopher M. Williams was injured while driving a Suzuki motorcycle, and his guardian brought an action seeking damages. During discovery, plaintiff sought additional information from American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan through a notice to produce, but the defendants' responses were challenged as insufficient.

PROCEDURAL HISTORY

The action seeks damages for injuries Christopher M. Williams sustained while driving a Suzuki motorcycle. Supreme Court, Erie County, entered an order on January 25, 2012, denying plaintiff's cross motion to compel further discovery responses. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- Kregg v. Maldonado, 98 A.D.3d 1289
- Crazytown Furniture v. Brooklyn Union Gas Co., 150 A.D.2d 420, 421
- Dempski v. State Farm Mut. Auto. Ins. Co., 249 A.D.2d 895, 896

OPINION

PER CURIAM.

SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department 1041 CA 12-01664 PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND SCONIERS, JJ. CHARLOTTE KREGG, AS GUARDIAN OF CHRISTOPHER M. WILLIAMS, PLAINTIFF-APPELLANT, V MEMORANDUM AND ORDER EILEEN

MALDONADO, ET AL., DEFENDANTS, AMERICAN SUZUKI MOTOR CORPORATION AND SUZUKI MOTOR CORPORATION OF JAPAN, DEFENDANTS-RESPONDENTS.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL), FOR PLAINTIFF-APPELLANT. WEBSTER SZANYI LLP, BUFFALO (THOMAS S. LANE OF COUNSEL), FOR DEFENDANTS-RESPONDENTS. Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered January 25, 2012.

The order denied the cross motion of plaintiff to compel defendants American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan to further respond to her notice to produce. It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs. Memorandum: The parties appear before us for a second time on a dispute over discovery (see *Kregg v Maldonado*, 98 AD3d 1289) in this action seeking damages for injuries sustained by Christopher M. Williams when he was driving a Suzuki motorcycle.

Supreme Court properly denied plaintiff's cross motion to compel defendants American Suzuki Motor Corporation and Suzuki Motor Corporation of Japan to further respond to plaintiff's notice to produce. Plaintiff's "bare allegations of relevancy" with respect to the information sought are insufficient to entitle plaintiff to that relief (*Crazytown Furniture v Brooklyn Union Gas Co.*, 150 AD2d 420, 421; see *Dempski v State Farm Mut.*

Auto. Ins. Co., 249 AD2d 895, 896). Entered: November 8, 2013 Frances E. Cafarell Clerk of the Court