

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

COASTLINE TERMINALS OF CONNECTICUT, INC. :
v. : CIV. NO. 3:00CV1698 (AHN)
USX CORPORATION :
Defendant/Third-Party :
Plaintiff :
v. :
NORTHEAST WASTE SYSTEMS, INC., :
ET AL :
Third-Party Defendants :
:

RULING ON PENDING MOTIONS

Pending are Plaintiff and Third Party Defendants Northeast Waste Systems, Inc., Waste Management of Connecticut, Inc. and Logistec Connecticut Inc.¶ Motion to Compel Documents [Doc. #183]; Plaintiff¶ Motion to Extend Certain Deadlines in the Form 26(f) Report [Doc. #186]; Defendant USX¶ Motion for Reconsideration [Doc. #188]; and USX¶ Motion to Compel Plaintiff and Third Party Defendant New Haven Terminal to Provide Discovery [Doc. #190]. All of these motions are related. Oral argument was held on October 4, 2002.

The 59 Boxes of Documents in Pittsburgh, PA

Having heard the parties at length by cross-motion and at oral

argument the Court rules as follows.

USX shall ship all documents less than 50 years old to a location in Connecticut for inspection. USX may designate the method of shipping with reasonable costs to be born by Coastline and the Third Party Defendants. Within 10 days, and prior to shipping, USX will propose a date and a shipping method with cost breakdown to the Court.

USX will review the documents and report back to the Court what portion of the documents are over 50 years old. The Court will consider the location and method of inspection for older documents after counsel have examined the documents less than 50 years old.

Counsel will consult on the production of the Pittsburgh documents, to a Connecticut location and propose a schedule.

The parties shall submit a joint proposed scheduling order on disclosure of experts thirty days after document production is completed.

Paragraph 3 "Materials Handling " Dispute

At oral argument the parties reported their agreement on the record as to requests contained in Attorney Daniels' letter dated July 15, 2002. Outstanding is the request made in paragraph 3 of that letter. The parties agree to provide "revised sworn interrogatory answers by Coastline and NHT as to Interrogatory 1 of USS's second

set of discovery requests with respect to the date range during which Updike, Kelly & Spellacy represented NHT and Coastline." Coastline and NHT will provide the rest of the information requested in paragraph 3, to the extent it is known. If Coastline and NHT do not have the information requested, they will state that in a sworn response. The parties are "under a duty to supplement or correct the disclosure or response to include information thereafter acquired. . . ." Fed. R. Civ. P. 26(e)(1) & (2).

CONCLUSION

Accordingly, Plaintiff and Third Party Defendant Northeast Waste Systems, Inc., Waste Management of Connecticut, Inc. and Logistec Connecticut Inc. < Motion to Compel Documents [Doc. #183] and USX < Motion to Compel Plaintiff and Third Party Defendant New Haven Terminal to Provide Discovery [Doc. #190] are **GRANTED** in part and **DENIED** in part in accordance with this ruling.

Plaintiff < Motion to Extend Certain Deadlines in the Form 26(f) Report [Doc. #186] is **GRANTED**. The parties shall submit a joint proposed scheduling order on disclosure of experts thirty (30) days after document production is completed.

Defendant USX < Motion for Reconsideration [Doc. #188] is **DENIED** on the current record.

This is not a recommended ruling. This is a discovery ruling

and order which is reviewable pursuant to the "clearly erroneous" statutory standard of review. 28 U.S.C. § 636 (b)(1)(A); Fed. R. Civ. P. 6(a), 6(e) and 72(a); and Rule 2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the district judge upon motion timely made.

SO ORDERED at Bridgeport this ____ day of January 2003.

HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE