

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

NICHOLAS HARRISON and  
OUTSERVE-SLDN, INC.

Plaintiffs,

v.

JAMES N. MATTIS, in his official capacity as  
Secretary of Defense; MARK ESPER, in his  
official capacity as the Secretary of the Army;  
and the UNITED STATES DEPARTMENT OF  
DEFENSE,

Defendants.

NO. 1:18-CV-00641-LMB-IDD

**PLAINTIFFS' MOTION TO COMPEL RESPONSES TO INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 37 and the Local Rules of the U.S. District Court for the Eastern District of Virginia, Plaintiffs Nicholas Harrison and OutServe-SLDN, Inc. (collectively, "Plaintiffs") hereby move to compel responses to Plaintiffs' First Set of Interrogatories to Defendants (Nos. 1-23).

In short, the Plaintiffs have served 23 interrogatories which Defendants contend in their objections should be counted as more than 156 interrogatories based on their claim that the interrogatories contain as many "discrete subparts." As detailed in the accompanying Memorandum in Support of Plaintiffs' Motion, an examination of Plaintiffs' interrogatories reveals that any alleged subparts are necessarily related to the broader subject matter of each interrogatory. Defendants also have improperly objected to responding to alleged "contention" interrogatories, despite Rule 33's clear language that requires responses. Accordingly, Defendants' objections are without merit and

should be overruled, and Defendants should be required to respond to all of Plaintiffs' interrogatories.

Pursuant to Local Rule 37(E), Plaintiffs hereby certify they have made a good faith effort to resolve this dispute with counsel for Defendants.

Dated: December 14, 2018

Respectfully submitted,

/s/ Andrew R. Sommer

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of December 2018, I caused the foregoing to be filed electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: December 14, 2018

Respectfully submitted,

/s/ Andrew R. Sommer  
Andrew R. Sommer