

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN W. FERRON,)	Case No. 2:06-cv-322
)	
Plaintiff,)	JUDGE FROST
)	
vs.)	Magistrate Judge Abel
)	
VC E-COMMERCE SOLUTIONS, INC., et al.)	
)	
Defendants.)	

MOTION FOR LEAVE TO PROPOUND TO PLAINTIFF ADDITIONAL INTERROGATORIES

Now comes the Defendant, OPTINREALBIG.COM, LLC, by and through counsel and pursuant to Federal Rule of Civil Procedure 33, and hereby requests of this Honorable Court leave to serve additional Interrogatories upon Plaintiff, John W. Ferron.

Defendant propounded an initial set of discovery including Interrogatories and Request for Production of Documents on January 5, 2007. Defendant OPTINREALBIG.COM, LLC, seeks leave of this Court to propound additional Interrogatories upon Plaintiff due to the complexity of this case.

In his First Amended Complaint, Plaintiff alleges violations of the Consumer Sales Practices Act and Ohio Administrative Code. Plaintiff has provided thousands of emails which Plaintiff claims may be violative of the Consumer Sales Practices Act. These will have to be examined by Defendant, and specific questions may need to be asked regarding these emails. Defendant also requests the Court to allow additional Interrogatories such that Defendant may fully investigate all the potential affirmative defenses applicable to this matter. Because of the complexity of this case, additional Interrogatories would help narrow the issues in the case, and thus would serve judicial economy.

In a manner consistent with Federal Rule of Civil Procedure 26 (B) 2, the Interrogatories will not be unreasonably cumulative or duplicative, and the information is not obtainable from

other sources. The additional Interrogatories are not meant to be a means of harassment, but are entirely necessary due to the nature and complexity of the issues in this case.

WHEREFORE, Defendant OPTINREALBIG.COM, LLC, request of this Honorable Court leave to propound additional Interrogatories upon Plaintiff, John W. Ferron.

Respectfully Submitted,

SUTTER, O'CONNELL & FARCHIONE

/s/ Christina J. Marshall
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Attorney for Defendants,
VC E-Commerce Solutions, Inc. and
Defendant OpInRealBig.com, LLC

CERTIFICATE OF SERVICE

A copy of the foregoing was via the Court's ECF Filing System on this 10th day of
January 2007 upon:

Lisa A. Wafer, Esq.
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Attorney for Plaintiff

/s/ Christina J. Marshall
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