

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

JOHN P. CURRY,	:
Plaintiff,	:
	:
-vs-	: Civil No. 3:02cv1149(PCD)
	:
ALLAN S. GOODMAN, INC.,	:
Defendant.	:

**RULING ON PLAINTIFF’S SECOND MOTION TO COMPEL INSPECTION OF  
PREMISES AND FOR SANCTIONS**

Plaintiff moves for an order compelling defendant’s compliance with the May 22, 2003 ruling of this Court granting his request to inspect its premises and for sanctions for failure to comply with such ruling. For the reasons set forth herein, the motion to compel is **granted** and the motion for sanctions is **denied**.

**I. BACKGROUND**

On May 22, 2003, this Court ordered that defendant permit plaintiff to inspect its warehouse. Defendant proposed June 2, 2003, for the inspection date, which date was inconvenient for plaintiff. The discovery deadline was June 9, 2003. After the expiration of discovery, plaintiff proposed a number of dates for the inspection which were rejected by defendant as untimely as no extension of time was sought that would permit discovery after the lapse of the permissible discovery period.

**II. DISCUSSION**

The present dispute involves two orders, the first compelling inspection of premises, the second a scheduling order structuring the timeline for permissible discovery. Each party argues justification

based on reliance on a different order.<sup>1</sup> As the order compelling inspection did not require performance prior to the discovery deadline, such a requirement will not be read into the order. Defendant shall therefore make its premises available for inspection not later than August 22, 2003. Sanctions will not be awarded as it is not clear that defendant was without justification for refusing to comply with a discovery request made after the expiration of the designated discovery period.

### III. CONCLUSION

Plaintiff's second motion to compel inspection of premises (Doc. No. 31-1) is **granted**. Plaintiff's motion for sanctions (Doc. No. 31-2) is **denied**.

SO ORDERED.

Dated at New Haven, Connecticut, August \_\_\_\_, 2003.

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Peter C. Dorsey  
United States District Judge

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<sup>1</sup> Plaintiff also alleges that the deadline for expert disclosure is indeterminate, alluding to a motion for extension of time granted on March 25, 2003, for a March 21, 2003 expert disclosure deadline, when the first motion to compel inspection of premises was *sub judice*. In the motion for extension of time, plaintiff requested "that the current deadline for disclosure of his expert be extended until such time as this Court has resolved the issue of whether plaintiff's expert [should be permitted to inspect the premises] and then if the inspection is allowed, the deadline should be set a reasonable time later in order to allow the inspection and the preparation of the expert's report." Plaintiff shall provide his expert disclosure not later than August 29, 2003.