

SUPREME COURT - STATE OF NEW YORK
TRIAL/SPECIAL TERM, PART WESTCHESTER COUNTY

FILED
AND
ENTERED
ON 3-4 1983
WESTCHESTER
COUNTY CLERK

Present: HON. ALVIN R. RUSKIN
Justice.

To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

INDEX NUMBER 3608, 1979
MOTION DATE Feb. 25, 1983
MOTION CAL. NUMBER 27
TRIAL CAL. NUMBER

GEORGE SASSOWER,
Plaintiff,

- against -

NEW YORK LAW PUBLISHING COMPANY,
Defendant.

The following papers numbered 1 to 5 read on this motion by defendant for a protective order to the extent of vacating and striking plaintiff's second set of interrogatories.

	PAPERS NUMBERED
Notice of Motion/ Order to Show Cause - Affidavits	1, 2
Answering Affidavits	4
Replying Affidavits	
Affidavits	
Filed Papers	
Pleadings - Exhibits - Stipulations - Minutes	3, 5

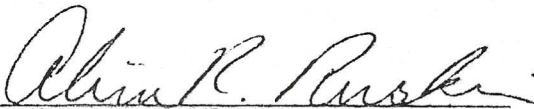
Upon the foregoing papers it is ordered that this motion be and the same is hereby granted.

The court finds that some of the interrogatories are patently burdensome, oppressive and improper, and, generally, in such circumstances, the remedy is not judicial pruning but vacatur of the interrogatories in their entirety. More importantly, however, this court finds that it cannot intelligently pass upon this motion in the absence of the pleadings and the answers to the first set of interrogatories. In many instances, the affidavits refer to allegations of the complaint and answer and to the answers to some of the first set of interrogatories. Thus, this court is unable to find with certainty whether some of the instant interrogatories are relevant to the issues presented in this action nor whether some of the interrogatories have already been answered. Bearing in mind that this court has broad power to regulate discovery to prevent abuses, and also bearing in mind that many of the instant interrogatories appear to be burdensome and prolix as to be oppressive, the court is of the view that orderly procedure requires that the instant interrogatories should be

vacated in their entirety rather than pruned and that plaintiff should serve a new set of interrogatories and make a factual showing inter alia, in what respect answers to prior interrogatories are unsatisfactory. As the matter now stands, this court is unable on the papers now before it to make a knowledgeable and effective determination.

When, and if plaintiff serves a new set of interrogatories and defendant moves for an order of protection the court should be furnished with copies of the pleadings and the answers to the first set of interrogatories and such application is not to be referred to the undersigned, but should be passed upon by the justice presiding at Special Term.

DATED: March 4, 1983
White Plains, N.Y.


ALVIN R. RUSKIN, J.S.C.

George Sassower, Esq., 283 Soundview Ave., White Plains, NY 10606 (pltf)
Abrams & Sheidlower, Esq., 598 Madison Ave., NY NY 10022 (def)