

declines to compel a response to this request. See, e.g., *World Triathlon Corp. v. SRS Sports Centre SDN, BHD*, Case No. 8:04-cv-1594-T-24TBM, 2005 U.S. Dist. LEXIS 15412, at *2 (M.D. Fla. July 29, 2005) ("the court may limit discovery upon the determination that the discovery sought is unreasonably burdensome or expensive or the expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, and the importance of the proposed discovery in resolving issues."); *Priest v. Rotary*, 98 F.R.D. 755, 761 (N.D. Cal. 1983) ("When a discovery request '[a]pproaches the outer bounds of relevance and the information requested may only marginally enhance the objectives of providing information to the [*31] parties or narrowing the issues, the Court must then weigh that request with the hardship to the party from whom the discovery is sought.") (quoting *Carlson Cos., Inc. v. Sperry & Hutchinson Co.*, 374 F.Supp. 1080, 1088 (D.Minn. 1974)); 10 Federal Procedure, Lawyer's Edition § 26:70 (1994 & Supp. 2005) ("the district courts should not neglect their power to restrict discovery where justice requires protection for a party ... from undue burden or expense.").

Finally, to the extent Epstein asks the Court to forbid the drawing of an adverse inference against Epstein for his failure to respond to discovery, said request is denied at this time, without prejudice and with leave to renew at a later date, as the request at this early juncture of the proceedings is premature.

In accordance with the above and foregoing, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion to Compel Answers to Interrogatories and Production of Documents (D.E. #57) is **GRANTED IN PART AND DENIED IN PART** in accordance with the terms of the within Order. In accordance herewith, Plaintiff's Motion as it relates to Interrogatories 1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 15, 16 and 17 and Production Requests 1, 2, 3, 4, 5, 6, 8, 14, 15, 16, 17, and 20 is denied, and Plaintiff's Motion as it relates to Interrogatories [*32] 7, 8 and 11, and Production Requests 17 and 23 is granted. A ruling on Plaintiff's Motion as it relates to Production Requests 10, 11, 18, 19, and 21 is deferred until Epstein files his Supplementary Response Brief, due fifteen (15) days from the date hereof, in which Epstein is required to make a particularized showing, by *in camera* submission or otherwise, demonstrating how the Fifth Amendment may validly be asserted in response to these requests. Any of the above-mentioned requests (Requests 10, 11, 18, 19 and 21) not addressed in the forthcoming supplement are deemed by the Court to be outside a valid claim of Fifth Amendment privilege and must be responded to within fifteen (15) days from the date hereof.

DONE AND ORDERED this August 4, 2009, in Chambers, at West Palm Beach, Florida.

/s/ Linnea R. Johnson

LINNEA R. JOHNSON

UNITED STATES MAGISTRATE JUDGE

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