

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

Santos Canales, Complainant, United States of America, Intervenor v. Armstrong Painting and Waterproofing and Modesto Sevilla, Respondents; 8 U.S.C. § 1324b Proceeding; Case No. 90200105.

**ORDER GRANTING IN PART INTERVENOR'S MOTION FOR LEAVE TO PROPOUND MORE THAN 20 INTERROGATORIES AND GRANTING IN PART RESPONDENTS' MOTION FOR PROTECTIVE ORDER**

On July 19, 1990, counsel for Intervenor served upon Respondent Armstrong Painting and Waterproofing its first set of interrogatories, numbering 114, plus subparagraphs. Respondent Modesto Sevilla was served with 62 interrogatories plus subparagraphs. I issued my Order Directing Procedures for Pre-Hearing on July 26, 1990, in which I limited the number of interrogatories upon any Respondent to 20, with no more than two subparagraphs.

On August 8, 1990, counsel for Intervenor submitted a Motion for Leave to Propound More Than 20 Interrogatories, explaining that Respondents had failed to respond to the first set of interrogatories because the number exceeded the limitation in my July 26, 1990 Order. Intervenor argued that the large number of interrogatories propounded was necessary in light of the denials made by Respondents in their Amended Answer. Intervenor further seeks to use the interrogatories to limit the issues for hearing and to streamline the case preparation, if possible.

Counsel for Respondents submitted identical motions for protective orders, with memoranda of points and authorities in support thereof, on August 16, 1990. Respondents argue that the number of interrogatories propounded is excessive and should not be expanded beyond the 20 set forth in my July 26, 1990 Order. Respondents additionally submitted an Opposition to Intervenor's Motion for Leave to Propound More Than 20 Interrogatories. In it they state that the issues in the case are simple and do not require the excessive interrogatories requested by Intervenor. They also state that

the motion by Intervenor is untimely since Respondents had not yet responded to the interrogatories.

On August 27, 1990, Intervenor filed a motion in opposition to the motions for protective orders. Intervenor argues that broad discovery should be encouraged and that Respondents have not persuasively shown good cause to warrant a protective order.

I have reviewed all the motions, pleadings, and memoranda to resolve these issues as equitably as possible. Although 20 interrogatories are generally sufficient, I will grant Intervenor's request to propound more than 20. It is apparent Intervenor was without benefit of my procedural guidelines at the time the initial sets of interrogatories were sent to Respondents. Furthermore, I agree that the issues in discrimination cases can become, and usually are, quite complex. I do not wish to inhibit Intervenor's ability to engage in discovery, and will accept its argument that there is good cause to expand the number of interrogatories.

I agree with Respondents, however, that the number of interrogatories submitted is highly excessive and must be reduced. Intervenor has access to other forms of discovery and should not rely upon interrogatories alone. I will expand the number of interrogatories for each party to 40 total (20 original interrogatories plus 20 additional interrogatories) with no more than two subparagraphs per interrogatory. Intervenor should make a good faith effort to limit the interrogatories to issues which are germane to the case.

Respondents need not respond to the sets of interrogatories previously submitted by Intervenor. Following receipt of Intervenor's second submission of interrogatories, Respondents will have 30 days in which to respond. Additional time will be granted only upon leave of the Court.

ACCORDINGLY,

Intervenor's Motion for Leave to Propound More Than 20 Interrogatories is GRANTED in part. Intervenor may extend the total number of interrogatories to 40 plus subparagraphs.

Respondents, Motions For Protective Orders are GRANTED in part. Respondents are protected from responding to the first set of interrogatories propounded, but are expected to answer the second sets, if they comply with this Order.

**IT IS SO ORDERED:** This 10th day of September, 1990, at San Diego, California.

E. MILTON FROSBURG  
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