

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SHARON V. GRADY,)	
)	
<i>Plaintiff</i>)	
)	
v.)	Civil No. 08-339-P-H
)	
THE HARTFORD LIFE & ACCIDENT INSURANCE COMPANY,)	
)	
<i>Defendant</i>)	

**ORDER ON DEFENDANT’S OBJECTIONS
TO PLAINTIFF’S PROPOSED DISCOVERY**

The plaintiff brings the instant action pursuant to the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. §1001 *et seq.*, to recover benefits allegedly wrongfully denied by the defendant insurance company. *See* Complaint (Docket No. 1). On March 12, 2009, I issued an order granting her request for extra-record discovery to the extent that it bore on the relationship between the defendant and a third-party medical review entity, University Disability Consortium (“UDC”), which produced a report on which the defendant partly relied in denying the plaintiff’s appeal of its denial of her application for long-term disability benefits. *See* Memorandum Decision and Order on Defendant’s Motion To Amend Scheduling Order (“Decision”) (Docket No. 21) at 4-5, 8-9.

I permitted the plaintiff “to propound one set of up to 20 interrogatories, having no sub-parts, and one set of document requests on the subject matters of (i) the corporate and/or contractual relationship between the defendant and UDC, (ii) the reason why the defendant directed UDC to contact only two treating sources, (iii) the proportion of the defendant’s claims sent over the past

three years for physician review to UDC versus to other medical review firms, if any, and (iv) for that time period, the portion of such claims sent to UDC and to other medical review firms, if any, in which a medical review was completed and sent to the defendant, and the defendant ultimately denied the claim.” *Id.* at 8. I further ordered that the parties confer and, within 10 days of the date of my order, file with the court an agreed-upon list of interrogatories and document requests or, failing such agreement, separate lists of proposed interrogatories and document requests, in which case the court would resolve their dispute. *See id.* at 8-9.

The plaintiff filed proposed interrogatories and a proposed request for production of documents, to which the defendant lodged a number of objections. *See* Plaintiff’s [Proposed] Interrogatories to Defendant The Hartford Life & Accident Insurance Company (“Proposed Interrogatories”); Plaintiff’s [Proposed] Request for Production of Documents to Defendant The Hartford Life & Accident Insurance Company (“Proposed RFPs”); Defendant’s Responses to Plaintiff’s [Proposed] Interrogatories to Defendant The Hartford Life & Accident Insurance Company; Defendant’s Responses to Plaintiff’s [Proposed] Request for Production of Documents to Defendant The Hartford Life & Accident Insurance Company. With my permission, these documents were filed directly with chambers and thus are not reflected on the court’s ECF docket.

After careful review of those papers, I now **SUSTAIN**, on the bases given, the defendant’s (i) general objection to the plaintiff’s definitions in both the Proposed Interrogatories and the Proposed RFPs of “Hartford” and “UDC” and (ii) specific objections to individual Proposed Interrogatories and Proposed RFPs with the exceptions set forth below. I further **ORDER** that, to the extent that the defendant has lodged an objection but nonetheless has agreed to produce certain documents or answer certain interrogatories, it produce said documents and answer said interrogatories.

I **OVERRULE** in part or in whole the following objections interposed by the defendant:

1. Objection to Proposed Interrogatory No. 15: In keeping with the Decision, the defendant is directed to answer this interrogatory, but only with respect to a three-year period. *See* Decision at 8. The defendant proposes elsewhere in its RFP and interrogatory responses to redefine the three-year period referenced in the Decision as the years 2004 to 2006 because the plaintiff's claim was denied in 2005. That proposal is sensible, and the defendant is directed to answer the interrogatory for that time period.

2. Objections to RFP Nos. 14, 15, and 16: The defendant is directed to respond to these RFPs, all of which bear on the permitted subject matter of the corporate and/or contractual relationship between itself and UDC.

3. Objections to RFP Nos. 18 and 19: The defendant is directed to respond to these RFPs, but only to the extent that the requested documents were created for, or used in deciding, the plaintiff's case. The requests otherwise are overly broad and/or burdensome for the reasons stated by the defendant.

SO ORDERED.

Dated this 6th day of April, 2009.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge

Plaintiff

SHARON V GRADY

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V.

Defendant

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TERMINATED: 12/16/2008

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