

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

DE LEON-

ESCOLASTIC

DE LEON, KANADON and

ARMENIO PABLO CALMO

or behalf of themselves and all others

similarly situated,

CIVIL ACTION NO.

Plaintiffs,

05-CV-1473-CC

vs.

ELLER AND SONS TREES, INC. and

JERRY ELLER,

Defendants.

DISCOVERY ORDER

This matter is before the Court on Plaintiffs' Motion to Compel Prod

uction of

Doc No 88 and Plaintiffs Motion to Compel Compliance with subpoena Dices

Doc No 95 The Court has reviewed the affidavits and the motion to compel and

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of the state courts hold applicable to this type or class of claim.

limitations would

limited. Here the

Solomon v. Harrison, 746 F.2d 695, 701 (11th Cir. 1986) (citations)

of the nature of Plaintiff's claim is based on the

parties agreed that the

both Plaintiff and Defendant

Having considered the respective positions of

Company's position in this

and leaving reasonable cause to believe that

and reasonable cause to believe that

limitations

reaches of the

reveals that most of Plaintiff's claims seek redress for

Plaintiff explain that their written working

329 and 18 U.S.C. § 13

Department of Labor's Section 701

management of the

Order's within Defendant's disclosure

fact, who

Job Clearance

and conditions of employment that which Defendant required each

Plaintiff's term

before starting work. Georgia law is clear that "where the contract

worker to sign

applicable. Muscogee County Bd. of Rd. v. Bovery, 196 Ga. App. 527, 539, 296

which the two-year statute of limitations provided in O.C.G.A. § 9-2-2 was applied.

to a contract claim or wages. Moreover, selecting the six-year limitations

with commensurate priority.

two-year limitations period

humanitarian purpose. Sanchez v. Wilson, 677 F.2d 1001, 1003 (9th Cir. 1982).

1982) affecting the broad remedial purposes of the AWPAA in dealing

for person). Accordingly, the Court concludes that

years period or injury to property

applied to Plaintiff's AWPAA claim is the six-year

the statute of limitations are proper

Plaintiff moves the Court for an order compelling Defendant to produce

Specifically, Plaintiff moves the Court to compel Defendant to produce

positions of the

expressed in the AWPAA and transferable by Defendant

and Defendant, the Court hereby

parties, and the law read on by both Plaintiff

ORDER: The Court GRANTS Plaintiff's Motion to Compel with respect to

is in the public

like requested. The Court will grant the Motion to Compel

1999 to the present.

(Case No. 05-1473) Plaintiff's Motion to Compel is hereby granted to the

Requester is limited to the extent of the information requested in the

the information requested in the Motion to Compel is limited to the

the present.

(1) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #3.

(4) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #4.

(5) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #5.

(6) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #6.

(7) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #7.

(8) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #8.

(9) The Court DENIES Plaintiff's Motion to Compel with respect to Request for Production #9.

(10) The Court DENIES Plaintiff's Motion to Compel with respect to Request for Production #10.

(11) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #11.

(12) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #12.

(13) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #13.

(14) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #14.

(15) The Court GRANTS Plaintiff's Motion to Compel with respect to Request for Production #15 to the extent that Defendant is required to produce all responsive information.

Request for Production #19.

(20) The Court GRANTS Plaintiffs' Motion to Compel with respect to

Production #20.

Request for

Plaintiffs' Motion to Compel Production of Documents is GRANTED.

In so

far as the Court DENIES in part. All documents ordered to

Plaintiffs next move the Court for an order compelling Defendant to provide

answers to Plaintiff's proposed De Leon Granados First Set of Interrogatories.

Defendant has previously failed to answer the Court's orders

requiring Defendant to respond to interrogatories # 6 and 8. Having reviewed the

positions of the parties, and aware of my duty to the Court, the Court hereby orders the following:

GRANTS Plaintiffs' Motion to Compel with respect to

(2) The Court GR

(3) In light of the fact that Plaintiffs are not direct competitors of

Defendant's Game GRAYLE and Plaintiff's Game with the same

interrogatory was poorly worded and did not clearly  
investigations

Interrogatory #6, as the int  
request information about in

interrogatory #8

Central Packages to Information is

GRANTED in part and DENIED in part Defendant's a finally resolved the

**ORDER TO COMPEL COMPLIANCE WITH SUBPOENA**

ed, the Court

Insofar as Plaintiff's class certification motion has been resolved

The Court hereby orders Defendant to provide the requested documents to Plaintiff within  
thirty (30) days of the date of this Order.

**VII. CONCLUSION**

Based on the foregoing, the Court **GRANTS** in part and **DENIES** in part

part and **DENIES** in part Plaintiff's Motion to Compel Respon

Case No. 2005-1017 GRANTS Plaintiff's Motion to Com

Subpoena to produce Documents 95-111

**CLARENCE COOPER**

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**UNITED STATES DISTRICT JUDGE**