

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
**IN RE ZYPREXA
STATE ATTORNEY GENERAL CASES**

**MEMORANDUM
AND ORDER**

04-MDL-1596 (JBW)

-----X
PATRICIA MADRID
*for the State of New Mexico, ex rel.,
Attorney General,*

Plaintiff,

07-CV-1749 (JBW)

-against-

ELI LILLY & CO.,

Defendant.

-----X
ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In a letter dated July 3, 2008, defendant Eli Lilly and Company challenges the adequacy of responses by the Attorney General for the State of New Mexico (“New Mexico”) to interrogatories and document demands served by Lilly on June 9, 2008; Lilly requests that the Court enter an order compelling New Mexico to provide complete responses and production by July 31, 2008. See 7/3/08 Letter from Barry H. Boise. The only response from New Mexico to this application is a letter on behalf of all State Attorneys General, objecting to Lilly’s proposed deadline. See 7/11/08 Letter from Lauren G. Barnes. That objection has already been ruled on, in an order setting August 20th as the date by which the States must complete their productions. See Case Management Order #2.

New Mexico has not, however, in any way countered Lilly's challenge to the sufficiency of New Mexico's discovery responses, which consist of identical, boilerplate objections to each and every interrogatory and document demand. See Exhibits C and D to 7/3/08 Letter from Barry H. Boise.¹ New Mexico has neither replied to Lilly's attempts to confer in good faith on this issue, nor has it provided the Court with any justification whatsoever for its objections. The State's silence on this issue underscores the indefensible nature of its responses. New Mexico has "merely regurgitated the same generic, generalized objections and made no meaningful effort to show the application of any such theoretical objection to the specific discovery requests" Jackson v. Coach, Inc., No. 07-2128-JTM-DWB, 2008 WL 782635, at *8 (D. Kan. Mar. 20, 2008) (internal quotation marks and citation omitted).² As New Mexico has flouted the specificity requirement for objections, the Court grants Lilly's motion to compel full and substantive responses to its interrogatories and

¹ In response to each interrogatory and document demand, New Mexico interposed the following objection:

Plaintiff objects to this demand on grounds that it is unintelligible and does not specify the documents requested. This request is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, these requests are over burdensome in their numerosity, and a blatant attempt to harass it. Further, Plaintiff objects to the extent that this demand seeks information protected by the attorney work product privilege.

² For example, although New Mexico's complaint accuses Lilly of misleading potential users about Zyprexa, the State objects on relevance grounds to Lilly's demand for "[a]ll documents related to Zyprexa authored by Lilly or any agent or representative of Lilly." Ex. D (Request No. 55) to 7/3/08 Letter from Barry H. Boise. In addition, New Mexico asserts the attorney work product privilege, but apparently has failed to provide a privilege log.

document demands, except that the deadline for completion is August 20, not July 31, 2008.

SO ORDERED.

**Dated: Brooklyn, New York
July 16, 2008**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**