

PREPARED BY THE COURT

PAUL KARDOS,

Plaintiff,

v.

FOX HILLS AT ROCKAWAY  
CONDOMINIUM  
ASSOCIATION, INC.,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MORRIS COUNTY

DOCKET NO. C-102-18

CIVIL ACTION

ORDER

FILED

JUN 04 2019

Maritza Berdote Byrne, P.J.Ch.

THIS MATTER having been opened to the court by way of motion filed by Paul Kardos, plaintiff, and opposition having been filed by George Karousatos, Esq., counsel for defendant and the court having read and considered the pleadings filed, and for good cause shown;

IT IS ON THIS 4 DAY OF JUNE 2019 ORDERED as follows:

1. Plaintiff's motion to compel discovery is **DENIED without prejudice.**
2. Parties are to seek permission from the court before filing any future discovery motions.
3. Plaintiff is granted leave to serve amended discovery requests upon defendant in an attempt to rectify procedural errors in his discovery requests identified and objected to by defendant.

  
MARITZA BERDOTE BYRNE, P.J., Ch.

**Paul Kardos v. Fox Hills at Rockaway Condominium Association, Inc.**

**MRS-C-102-18**

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**STATEMENT OF REASONS**

This matter began on September 20, 2018, with the filing of a complaint by plaintiff Paul Kardos (“plaintiff”). An Amended Complaint was filed on May 10, 2019. Plaintiff alleges Defendant, Fox Hills at Rockaway Condominium Association, Inc. (“defendant”), has violated his Right to Free Speech as guaranteed by the New Jersey Constitution. Through the present motion, plaintiff moves to compel discovery responses. In particular, plaintiff seeks to compel defendant to answer his interrogatories and provide a response to certain requests for admission served upon defendant. Defendant has opposed plaintiff’s motion to compel discovery.

Plaintiff served discovery requests upon defendant. Plaintiff has found defendant’s responses to these discovery requests to be deficient. Plaintiff emailed defendant’s counsel on April 26, 2019, and April 27, 2019, in an attempt to resolve the parties’ discovery disputes. Certification in Support of Motion ex. 1, 3. It appears plaintiff did not receive satisfactory discovery responses after sending these emails. Plaintiff filed the present motion on May 3, 2019.

Defendant argues plaintiff’s motion should be denied for several reasons. First, defendant notes plaintiff’s motion contains procedural errors. Defendant also notes certain procedural errors in plaintiff’s discovery requests. Plaintiff’s interrogatories seek responses from individuals who are non-parties to this action. Defendant claims plaintiff’s requests for admissions are deficient as they do not have copies of documents attached, are not calculated to lead to relevant or admissible evidence, and have been validly objected to.

The court finds the procedural errors in plaintiff’s motion are sufficient to deny the present motion. R. 4:17-5(c) requires motions to compel interrogatory answers “include a short statement

of the nature of the action and shall have annexed thereto the text of the questions and answers, if any, objected to.” Here, plaintiff has failed to include any statement related to the nature of this action. Plaintiff’s letter brief consists solely of the text of two discovery related rules of court. While the court is aware of the general nature of this action, a short statement related to the nature of this action, and how the discovery requests at issue relate to this action, is required in order for the court to determine the relevance of the discovery requests at issue. The court would be required to argue the relevance and applicability of plaintiff’s discovery requests for plaintiff if it were to compel discovery based on the present motion record. This is clearly not the role of the court.

Moreover, the court finds the present motion to be premature. Plaintiff has moved to compel discovery less than a week after sending emails on April 26, 2019, and April 27, 2019, objecting to defendant’s discovery responses. By moving so soon after sending these emails, plaintiff has deprived defendant of the opportunity to respond or meet and confer with plaintiff regarding these discovery requests. Plaintiff should have taken more than a week to confer and try to resolve the parties’ discovery issues before immediately turning to the court for assistance. The court has included a provision in this Order requiring the parties seek court permission before filing discovery motions in order to ensure the premature filing of discovery motions does not occur again.

Additionally, leave to file an Amended Complaint and Answer was recently granted. No case management Order has been entered in this case to date. No discovery deadlines have been set by the court. The parties have time to resolve their discovery dispute without court assistance.

Based on the foregoing, plaintiff’s motion to compel discovery is **DENIED without prejudice**. The court notes defendant has correctly identified procedural errors in plaintiff’s discovery requests (e.g., documents not attached to requests for admission). Plaintiff is granted

leave to serve amended discovery requests upon defendant in an attempt to comply with the procedural requirements of discovery.