

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CELIA CAYLESS,

Plaintiff,

v.

**ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,**

Defendant.

Case No. 18-2038-JWL-GLR

MEMORANDUM AND ORDER

The Court has before it Defendant's Motion to Overrule Objections, Determine Sufficiency of Responses to Certain Written Discovery Requests, and Memorandum in Support (ECF 29). It requests an order to compel Plaintiff to answer Interrogatories 1 and 11, relating respectively to her employment and to her claims in this action. The motion also asks the Court to allow Defendant or its representative "to make current photo or visual recording of any parts of the body identified and disclosed in response to" other photographs which show visible injury to Plaintiff, as requested by Request for Production 12.

The Court grants the motion in part and denies it in part. On or before August 9, 2018, Plaintiff shall answer Interrogatories 1 and 11, as required by Fed. R. Civ. P. 33. She did not object to them. They otherwise appear to constitute permissible and appropriate discovery, relevant to the issues in this case.

The Court denies the motion to allow Defendant to photograph the body of Plaintiff, as sought by its Request for Production 12. Fed. R. Civ. P. 34 governs the production of documents, electronically stored information, and tangible things. Defendant has not shown that the rule in any way authorizes the photography of ostensibly injured body parts of a party. The Court

otherwise finds no reasonable premise for granting the motion for the requested photography. Rule 35 authorizes physical examinations of a litigant. The briefing suggests the parties have already scheduled such an examination. In any event the Court finds no valid reason for granting the instant request for photography.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion to Overrule Objections, Determine Sufficiency of Responses to Certain Written Discovery Requests, and Memorandum in Support (ECF 29) is granted in part and denied in part, as herein set forth.

IT IS SO ORDERED.

Dated August 2, 2018, at Kansas City, Kansas.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge