

Relevancy Dictates Denial of Discovery Protection Orders

Description

PS&H litigation partner Jeff Gladstone was interviewed by Rhode Island Lawyers Weekly for a feature on his recent procedural win in the ongoing case of Taylor v. Scott Motors, Inc. In a decision that could have far-reaching impact on discovery issues, Judge Brian P. Stern declined the defendant's motion to shield certain information from discovery, finding instead that the plaintiff's requests met the standards of Superior Court Rule of Civil Procedure.

The suit is one of thousands brought in state courts against auto dealers who sold Volkswagens fitted with illegal devices that gave false emissions readings.

In the article, Jeff describes the decision as significant because so little has been written recently on the scope of discovery and what the accepted standards are in Rhode Island. Jeff said the decision is "...a very good primer on the subject and something that all litigators should read because it's a great resource on some of the key points on what's discoverable and not discoverable. It speaks to issues that we run across every day."

The information sought in the discovery requests before Judge Stern is significant because it relates to the defendant Scott Motors' own participation in the Volkswagen Dealers' national class action against Volkswagen, which was settled in 2016. The Volkswagen Dealers' class action sought damages for the same defect that forms the basis for the Plaintiff's lawsuit against Scott Volkswagen in this pending case. Volkswagen pled guilty to Federal criminal charges involving the installation of an illegal defeat device that masked the production of emissions up to 30 times the legal limit in certain diesel models. Volkswagen paid substantial fines and damages totaling over \$20 billion.

In this case, the defendant is denying liability to its customers, despite joining the class action suit brought by dealers against Volkswagen, based on the same defect for which Volkswagen had already pled guilty in a separate criminal prosecution.

"The information we will get as a result of Judge Stern's ruling may well impact other suits in other states," Jeff said. "Our case could very well be a bellwether."

Click [here](#) to read the full article. (Subscription required.)

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