

THE IGWE FIRM, P.A.
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kelly@igwefirm.com

Attorneys for Plaintiff

LAKEYSHIA MOODY	:	COURT OF COMMON PLEAS OF
	:	PHILADELPHIA COUNTY
	:	
	:	
vs.	:	JUNE TERM, 2015
	:	
	:	NO. 0239
	:	
PHILADELPHIA WOMEN'S CENTER	:	Case ID: 150600239
and TAIDA WOLFE, M.D.	:	
	:	

**PLAINTIFF'S MOTION TO COMPEL
DEFENDANTS' ANSWERS TO INTERROGATORIES
AND RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff, by and through her counsel, THE IGWE FIRM, P.A., hereby files the instant Motion to Compel Defendants' answers to Interrogatories and responses to Request for Production of Documents, and in support thereof aver as follows:

1. This matter arises out of medical negligence that is alleged to have occurred on December 18, 2014.
2. On August 31, 2015, Plaintiff's counsel served upon counsel for Defendants Interrogatories (Set I) and Request for Production of Documents (*see* "Exhibit 1" attached hereto).
3. Defendants failed to answer or provide any responses to Plaintiff's Interrogatories and Request for Production of Documents.
4. On October 3, 2015, undersigned counsel inquired as to the status of Defendants'

discovery responses (*see* “Exhibit 2” attached hereto).

5. To date, Defendants have failed to provide answers and responses to discovery requests, to which Plaintiff is entitled.

6. Pursuant to Pennsylvania Rules of Civil Procedure 4006(a)(2) and 4009.12(a), an answering party is required to provide responses within thirty (30) days of the discovery requests.

7. Pennsylvania Rule of Civil Procedure 4019(a)(1) empowers this Honorable Court to enter an Order compelling answers to discovery requests.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant the instant motion compelling Defendants to provide full and complete verified answers and responses without objections to Plaintiff’s Interrogatories (Set I) and Request for Production of Documents within ten (10) days.

Respectfully submitted,
THE IGWE FIRM, P.A.

Dated: 10/13/15

By: /s/ Kelly A. Trewella
KELLY A. TREWELLA, Esquire
Attorneys for Plaintiff

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL DEFENDANTS' ANSWERS TO INTERROGATORIES (SET I)
AND RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

This matter arises out of medical negligence that is alleged to have occurred on December 18, 2014. On August 31, 2015, Plaintiff's counsel served upon counsel for Defendants Interrogatories (Set I) and Request for Production of Documents (*see* "Exhibit 1" attached hereto). Defendants failed to answer or provide any responses to Plaintiff's Interrogatories and Request for Production of Documents. On October 3, 2015, undersigned counsel inquired as to the status of Defendants' discovery responses (*see* "Exhibit 2" attached hereto). To date, Defendants have failed to provide answers and responses to discovery requests, to which Plaintiff is entitled.

The Pennsylvania Rules of Civil Procedure state, in pertinent part, that answers and responses to properly served Interrogatories and Requests for Production shall be served upon the requesting

party within thirty (30) days of the request (Pa. R.C.P. 4006 (a)(2) and 4009.12 (a)). To date, Defendants have not served their duly verified Answers to Interrogatories and Responses to Request for Production of Documents, which are now overdue, and which are required by the Pennsylvania Rules of Civil Procedure.

Further, Pennsylvania Rule of Civil, Rule 4019(a)(1) states: The court may, on motion, make an appropriate order if . . . “(i) a party fails to serve answers, sufficient answers or objections to written interrogatories under Rule 4005 . . .”

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant her Motion to Compel answers to Interrogatories and responses to Requests for Production of Documents through adoption of the attached proposed Order.

Respectfully submitted,
THE IGWE FIRM, P.A.

Dated: 10/13/15

By: /s/ *Kelly A. Trewella*
KELLY A. TREWELLA, Esquire
Attorneys for Plaintiff

VERIFICATION

Kelly A. Trewella, Esquire states that she is the attorney for the plaintiff herein; that she is acquainted with the facts set forth in the foregoing *Motion to Compel*; that the same are true and correct to the best of her knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities. No Affidavit is required under Rule 206.

Dated: 10/13/15

By: /s/ *Kelly A. Trewella*
KELLY A. TREWELLA, Esquire
Attorneys for Plaintiff

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**Attorney Certification of Good Faith
Pursuant to Phila.Civ.R. * 208.2(e)**

The undersigned counsel for movant hereby certifies and attests that:

- ✓ a. He or she has had the contacts described below with opposing counsel or unrepresented party regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel’s good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description: written discovery requests and follow-up correspondence

- b. He or she has made good faith but unsuccessful efforts described below to contact opposing counsel or unrepresented party in an effort to resolve the discovery dispute.

Description:

CERTIFIED TO THE COURT BY:

Dated: 10/13/151

/s/Kelly A. Trewella
Attorney for Plaintiff

Note: The Signature of Respondent’s Counsel Is Not Required

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NOTICE OF PRESENTATION

To: Donna Adelsberger, Esq.
2782 Jenkintown Rd.
Glenside, PA 19038

Please take notice that the following Motion:

- Plaintiff's Motion: To Compel Defendants' Discovery Responses
 Defendant's Motion: _____

will be presented to the Court on the date and time set forth in the Court's electronic notice of this filing e-mailed to you with a copy of the Motion.

A copy of the Motion is attached.

By: /s/ Kelly A. Trewella
Attorney for Plaintiff
Pa. I.D. No. 205814
Phone No. 877-758-7842
Cell: 484-238-7848

Date: 10/13/15

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CERTIFICATION OF SERVICE

I do hereby certify that service of a true and correct copy of the above Motion was made on the 13th day of October to the below party or counsel via:

- ✓ Philadelphia Electronic Case Filing (ECF) system

Donna Adelsberger, Esq.
2782 Jenkintown Rd.
Glenside, PA 19038

Respectfully submitted,
THE IGWE FIRM, P.A.

Dated: 10/13/15

By: /s/ Kelly A. Trewella
KELLY A. TREWELLA, Esquire
Attorneys for Plaintiff