

WILLIAM B. CHANDLER III
CHANCELLOR

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Submitted: March 3, 2006
Decided: April 12, 2006

Shawn P. Tucker
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1100 N. Market Street, Suite 1001
Wilmington, DE 19801

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Douglas A. Shachtman & Associates
1200 Pennsylvania Avenue, Suite 302
Wilmington, DE 19806

Re: *Sandcastle Realty, Inc., et al. v. Castagna*
Civil Action No. 921-S

Dear Counsel:

This letter addresses defendants' motion to amend their answer and defendants' motion to compel. With regard to the motion to amend, I find that plaintiffs fail to show how they will suffer any prejudice if it is granted. Accordingly, defendants' motion to amend is granted.

Defendants' motion to compel challenges several of plaintiffs' responses to interrogatories and requests for production. Defendants ask this Court to order additional responses.

Defendants' question number 11 asks plaintiffs to assume, for the purposes of answering the interrogatory, that no written contract exists and then to answer how plaintiffs would satisfy the statute of frauds, assuming the statute of frauds were to apply. Plaintiffs refuse to answer on the grounds that to do so requires plaintiffs to draw a legal conclusion for the purposes of answering the question. This is not a valid reason to refuse to answer the interrogatory and I am ordering plaintiffs to answer the interrogatory in full.

Plaintiffs refuse to answer interrogatory number 13, regarding plaintiffs' prior real estate deals, on the grounds that this information is not relevant and that production would be unduly burdensome. Similarly, plaintiffs refuse to respond to question number 7 regarding telephone records on the grounds that to do so would also be unduly burdensome. I am persuaded that question number 13 is relevant for the reasons stated in defendants' brief, and I do not see how answering either interrogatory would be unduly burdensome for plaintiffs. Plaintiffs should have easy access to both types of information. Accordingly, I order plaintiffs to respond to interrogatory numbers 13 and 7 in full.

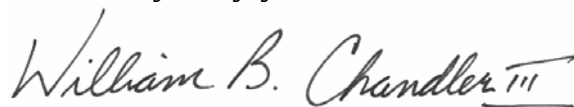
Plaintiffs refuse to respond to defendants' requests for production numbers 3, 5 and 6 on the grounds that they are not relevant. Whether these documents are relevant will not become clear until later in the case. At this point in the case, relevancy is not a valid reason for plaintiffs to refuse to respond and so I order plaintiffs to respond to these requests.

Plaintiffs do not respond to request number 4, asking for records relating to communications between the parties. With respect to the "jottings" made by Douglas Appling, Mr. Appling now claims these jottings never existed. If in fact these jottings do not exist, plaintiffs need not include them in their response. Also in connection with request number 4, plaintiffs refuse to produce unredacted telephone records on the grounds that defendants can obtain the desired information in a less burdensome way. Since plaintiffs have already provided a redacted version of these telephone records, it cannot be too burdensome for them to now produce an unredacted version. Plaintiffs are ordered to respond to request number 4 in full.

For the above stated reasons, defendants' motion to compel is granted.

IT IS SO ORDERED.

Very truly yours,

A handwritten signature in cursive script that reads "William B. Chandler III". The signature is written in dark ink and is positioned above the printed name.

William B. Chandler III

WBCIII:wbg