

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TEXAS DEMOCRATIC PARTY, *et al.*,

Plaintiffs,

v.

PAUL BETTENCOURT,

Defendant.

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CIVIL ACTION H-

ORDER

Pending before the court is plaintiffs' motion to expand the number of interrogatories. Dkt.

18. After considering the motion, response, and applicable law, the court GRANTS in part plaintiffs' motion.

“Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts.” FED. R. CIV. P. 33. However, a party may seek leave to serve additional interrogatories. *Id.* “Control of discovery is committed to the sound discretion of the trial court and its discovery rulings will be reversed only where they are arbitrary or clearly erroneous.” *Mayo v. Tri-Bell Indus., Inc.*, 787 F.2d 1007, 1012 (5th Cir. 1986). Thus, plaintiffs' motion to expand the number of interrogatories from the twenty-five permitted by the Federal Rules of Civil Procedure to the thirty-one¹ submitted to this court is GRANTED.

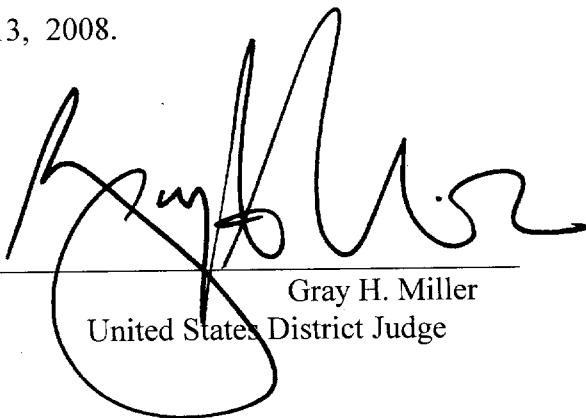
Defendant's argument that plaintiffs have sought an additional ten interrogatories before

¹ The court recognizes that, although plaintiffs represent that there are thirty-one interrogatories, several of the interrogatories have discrete subparts. Thus, the total number of interrogatories actually exceeds thirty-one.

defendant has addressed the original discovery requests is well taken. Thus, to the extent plaintiffs seek this court's permission to serve ten additional interrogatories in the future, without further authorization from this court, plaintiff's request is DENIED.

It is, therefore, ORDERED that plaintiffs are permitted to propound the thirty-one (31) interrogatories submitted as Exhibit A to plaintiffs' motion. Plaintiffs are not authorized to propound interrogatories in excess of those submitted to this court as Exhibit A without seeking prior approval.

Signed at Houston, Texas on January 13, 2008.



Gray H. Miller
United States District Judge

TO ENSURE PROPER NOTICE, EACH PARTY RECEIVING THIS ORDER SHALL
FORWARD IT TO EVERY OTHER PARTY AND AFFECTED NONPARTY