

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GREGORY DENNIS,

Plaintiff,

v.

No. 09-2312

**CANADIAN NATIONAL RAILWAY COMPANY,
and ILLINOIS CENTRAL RAILROAD COMPANY,**

Defendants.

**ORDER DENYING DEFENDANT ILLINOIS CENTRAL RAILROAD COMPANY'S
MOTION FOR PROTECTIVE ORDER**

I. Introduction

Before the Court is Defendant Illinois Central Railroad Company's ("Defendant" or "IC") Motion for Protective Order Regarding Plaintiff's Requests for Admission 1-4 (Docket Entry "D.E." #70). The instant motion was referred to United States Magistrate Judge Charmiane G. Claxton. (D.E. #71). For the reasons set forth herein, IC's Motion for Protective Order is DENIED.

II. Analysis

The issue presented in the instant motion is whether IC must respond to discovery requests regarding its relationship to Canadian National Railway Company ("CNR") before the Court determines whether personal jurisdiction exists as to CNR. Rule 26(b) of the Federal Rules of Civil Procedure provides, in pertinent part, the appropriate scope of discovery in civil matters:

Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense Relevant information need not be admissible at the

trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. . . .

Fed. R. Civ. P. 26(b)(1).

In general, trial courts “have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.” Gettings v. Building Laborers Local 310 Fringe Benefits Fund, 349 F.3d 300, 304 (6th Cir. 2003) (quoting Hahn v. Star Bank, 190 F.3d 708, 719 (6th Cir. 1999)). “Limitations on pretrial discovery are appropriate where claims may be dismissed ‘based on legal determinations that could not have been altered by any further discovery.’” Gettings, 349 F.3d at 304 (quoting Muzquiz v. W.A. Foot Memorial Hosp., Inc., 70 F.3d 422, 430 (6th Cir. 1995)). Such limitations are not appropriate, however, when issues could be “fleshed out in more detail if discovery had gone forward.” Gettings, 349 F.3d at 304.

With respect to discovery of “jurisdictional facts,” the Sixth Circuit has held that “discovery may be appropriate when a defendant moves to dismiss for lack of jurisdiction.” Chrysler Corp. v. Fedders Corp., 643 F.2d 1229, 1240 (6th Cir. 1981) (citation omitted). It is “well-established that the scope of discovery is within the sound discretion of the trial court.” Id. In making such a determination, the trial court may consider whether there is a “reasonable basis to expect that further discovery would reveal contacts sufficient to support personal jurisdiction.” Id. Although the Chrysler court held that the trial court’s denial of discovery as to jurisdictional facts was not an abuse of discretion, the Court did state that permitting such discovery “may have been advisable.” Id.

As to IC’s Motion for Protective Order, Plaintiff has propounded his First Request for Admissions to IC. See CNR’s Mot. for Prot. Order, Ex. C. Requests 1-4 at issue in the instant motion inquire into the relationship between IC and its co-defendant, Illinois Central Railroad

Company (“IC”), and into Plaintiff’s employment status with CNR. Plaintiff has submitted that he would like to pursue these requests to establish the required contacts with the forum state for the Court to exercise personal jurisdiction. Because the Court finds that these requests are reasonably calculated to lead to the discovery of evidence that would be relevant to the Court’s determination of whether the exercise of personal jurisdiction is appropriate, the Court ORDERS Defendant IC to respond to Plaintiff’s First Request for Admissions.

III. Conclusion

For the reasons set forth herein, IC’s Motion for Protective Order is DENIED.

IT IS SO ORDERED this 6th day of October, 2010.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE