

V I R G I N I A :

IN THE GENERAL DISTRICT COURT OF ARLINGTON COUNTY

RAM AVRAHAMI,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 95-7479
	:	
U.S. NEWS & WORLD REPORT, INC.,	:	
	:	
Defendant.	:	

DEFENDANT U.S. NEWS' MOTION FOR PROTECTIVE ORDER  
CONCERNING PLAINTIFF'S REQUEST FOR ADMISSION

Defendant U.S. News & World Report, Inc. ("U.S. News") hereby moves this Court for a protective order directing that U.S. News need not respond to the Request for Admission served by plaintiff Ram Avrahami ("Avrahami") because written discovery is not permitted under the rules of this Court.

Avrahami commenced this action, complaining that by "renting" a mailing list allegedly containing Avrahami's name, U.S. News violated his rights and somehow caused him injury. When U.S. News moved to stay this action on the grounds that a declaratory judgment action concerning the same issues was pending in the Circuit Court of Arlington County, Avrahami opposed the motion and insisted on a trial in the forum that he chose. U.S. News' motion was denied.

With trial scheduled for February 6, 1996, Avrahami served Plaintiff's Request for Admission, a copy of which is attached as Exhibit A, on January 16, 1996.

The service of requests for admission is authorized by Rule 4:11. Rule 4:0 specifically limits the application of Part Four of the Rules, however, to Circuit Courts. The only civil discovery that is available in this Court is a subpoena duces tecum in accordance with Va. Code # 16.1-89. Thus, Avrahami cannot serve requests for admission in the forum that he selected. If he wanted

to conduct pretrial discovery, he should not have opposed U.S. News' earlier motion.

CONCLUSION

For the foregoing reasons, defendant U.S. News & World Report, Inc. respectfully requests that this Court enter an order that U.S. News need not respond to Plaintiff's Request for Admission.

Dated: February 2, 1996

Respectfully submitted,  
U.S. NEWS AND WORLD REPORT, INC.  
By Counsel

SHAW, PITTMAN, POTTS & TROWBRIDGE

By: /s/

David G. Fiske, VSB #14511  
Lori Vaughn Ebersohl, VSB #38302  
115 South Union Street  
Alexandria, Virginia 22314  
(703) 739-6650

Counsel for U.S. News and World Report, Inc.

=====