

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

JOHN R. BENN,

\*

Plaintiff,

\*

v.

\*

Case Number: CV-2002-184

ROBERT NOVAK,

\*

Defendant.

\*

MOTION FOR PROTECTIVE ORDER

Comes now the Plaintiff John R. Benn and moves the Court to enter a Protective Order in this case. In support of said motion Plaintiff would show as follows:

1. That on June 18, 2002, Plaintiff submitted Interrogatories, Requests for Admissions and Requests for Production to Defendant Robert Novak.
2. That as of this date Defendant has not responded to Plaintiff's request for discovery.
3. That on or about August 6, 2002, Defendant submitted discovery to Plaintiff.
4. That Plaintiff requests of the Court a protective order granting Plaintiff 10 days from the date of Defendant's full and complete answers to Plaintiff's outstanding discovery request before Plaintiff's answers are due to Defendant's discovery requests.

Wherefore, Plaintiff prays that this Court will enter the attached Order protecting Plaintiff from any adverse action by Defendant due to outstanding discovery.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Benn    BEN009/ASB-0868-B23J  
*Pro se*  
104 West Third Street  
Sheffield, AL 35660  
256-386-7685

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that, prior to or immediately after filing the foregoing with the Court, I mailed U.S. Mail, postage prepaid, or delivered by hand a copy to:

Mr. Robert Novak  
1550 Sunrise Highway  
Copaigue, New York 11726

Date: \_\_\_\_\_

\_\_\_\_\_  
John R. Benn

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PROTECTIVE ORDER

It coming to be heard by Motion from Plaintiff that a Protective Order is requested to stay any action by Defendant regarding timeliness of discovery responses from Plaintiff, and it appearing to the court that said Motion is due to be granted, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff is granted a 10 day span of time from the date the Defendant fully and completely answers Plaintiff's discovery requests to Defendant, in which to answer Defendant's discovery requests to Plaintiff.

It is further ORDERED, ADJUDGED and DECREED that Defendant shall be barred from taking any adverse action against Plaintiff in regards to the timeliness of the filing of responses to Defendant's discovery requests.

Done this the \_\_\_\_\_ of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Circuit Court Judge

Xc: John R. Benn  
Robert Novak