

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

VICTOR E. CRETELLA, III,

Plaintiff,

v.

Civil Action No. 3:08CV109

DAVID L. KUZMINSKI,

Defendant.

ORDER

This matter is before the Court on several pending motions, namely: (1) Plaintiff's Motion to Extend the Deadline for Disclosing the Expert Testimony of Edwin Mruk (docket no. 25); (2) Defendant's Second Pretrial Motion to Dismiss Complaint (docket no. 41); (3) Defendant's Motion to Compel Answers and Document Production (docket no. 43); and (4) Plaintiff's Motion to Compel Discovery from Defendant (docket no. 45). For the reasons stated from the Bench during oral argument on said motions, and as referenced herein, it is hereby ORDERED that:

1. Where Plaintiff represents that he engaged a different expert and provided the required report to Defendant before the scheduled deadline, thereby alleviating the need for any extension, the Plaintiff's motion for an extension of time in which to file the expert report (docket no. 25) is DENIED as MOOT, Plaintiff being DIRECTED to file a copy of said report with the Court within five (5) business days of this date;
2. Where the Defendant argues in his renewed motion to dismiss that Plaintiff is abusing the discovery process by demanding production/disclosure of irrelevant information; that he has been unfairly targeted for litigation where others have made similar statements and have not been sued; and that he could not have defamed Plaintiff whose reputation was already maligned by his own actions; such assertions not being a proper or otherwise sufficient basis for dismissal, said motion (docket no. 41) is DENIED;

3. Where Plaintiff confirmed on the record in open court that he has never been formally admonished or otherwise disciplined in his professional capacity by any licensing or judicial authority; and where evidence that may demonstrate that Defendant was “targeted” by Plaintiff is irrelevant to the core issue of whether Defendant defamed Plaintiff, whether or not others did as well, Defendant’s motion to compel (docket no. 43) is DENIED; and
4. Where evidence of the sources of additional statements and/or complaints about Plaintiff and/or his client/present employer, Publish America, is irrelevant to the resolution of the issues in controversy in this litigation; and where Defendant identified the source of his statements that are the basis of the claim in Court V of the Amended Complaint to the stated satisfaction of Plaintiff at the hearing, Plaintiff’s motion to compel (docket no. 45) is DENIED as seeking irrelevant information or as MOOT.

Let the Clerk forward a copy of this Order to counsel for Plaintiff and to Defendant.

It is so Ordered.

_____/s/_____
Dennis W. Dohnal
United States Magistrate Judge

Richmond, Virginia
Date: October 15, 2008