

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 25-CV-01118

Mikayla Preston, et al v. Copley Health Systems, Inc., et al

ENTRY REGARDING MOTION

Title: Motion; Motion; Motion to Amend; Motion to Compel for Protective Order as to Plaintiff's 766 Written Discovery Requests; for Expedited Consideration & Request for Ruling on Interim Relief Before 7/15/26; the Scheduling and Mediation Order; Discovery Responses and Confirm Requests for Admission (Cross-Motion) (Motion: 4; 5; 6; 7)
Filer: Mario Bernard Hankerson; Mario Bernard Hankerson; Mario Bernard Hankerson; Curtis L. S. Carpenter
Filed Date: June 19, 2026; July 04, 2026; July 04, 2026; July 04, 2026

The motion is GRANTED IN PART and DENIED IN PART.

Defendants Copley Health Systems, Inc. and Copley Hospital, Inc. have filed a motion seeking a protective order against Plaintiff Mikayla Preston's substantial interrogatories, requests to produce, and requests to admit. Plaintiff has filed cross motions seeking to force the disclosure of discovery responses and to effectively sanction Defendants for their tardy responses by deeming the requests to admit, admitted. The Court finds something altogether more complicated taking place in these exchanges, and it will give Plaintiff an opportunity to revise followed by a hearing. The Court will also deny the cross motions at this time and grant a stay in the discovery calendar.

The present matter is a medical malpractice case arising from Plaintiff's experience giving birth to her child, O.W., at Defendant's hospital in March of 2022. During the birthing process, Defendants improperly administered morphine, at least twice, to Plaintiff instead of the prescribed penicillin. This does not appear to be a contested fact in both the sense that Defendants admit that they did administer morphine to Plaintiff during the birthing process and that this administration was in error. Given this admission, there appears to be some consensus or basis for concluding that there is no dispute about the elements of duty and breach in this case. The question then falls to the issue of injury and causation.

Despite this purported consensus, Plaintiff served discovery requests of 87 pages including over 110 interrogatories, 128 requests to produce, and 145 requests to admit on each of the two Defendants for a total of 766 discovery questions. Moreover, most of the interrogatories in the requests appear to contain multiple parts driving the likely total over a thousand different questions and requests. The vast majority of these questions and requests focus on the events that led Defendants to give Plaintiff morphine in lieu of penicillin. Few if any touch upon the issues of injury or causation.

Without going into excessive detail, this is simply too many questions given the size and complexity of the case. V.R.C.P. 26(b)(1) (limiting discovery to the proportional needs of the case and the burden and expense of the proposed discovery). As noted in Defendant's motion, the sheer number of discovery requests exceeds what other jurisdictions have set as reasonable limits on discovery. While Vermont has not adopted a specific cap on written discovery, trial court have directed parties to revise and parse down excessive discovery. See, e.g., *Johnson v. Winters*, Dckt. No. 25-CV-159 (Jan. 29, 2026) (Richardson, J.); *In re Peacefield, LLC & Shade Maple, LLC CU*, Dckt. No. 25-ENV-44 (Apr. 13, 2026) (Walsh, J.); *State of Vermont v. Codling Bros. Logging*, Dckt. No. 24-CV-392 (Jul. 28, 2025) (Tomas, J.); *Wood v. Wallin*, Dckt. No. 21-CV-1702 (May 30, 2025) (Tomas, J.).

As Defendants note, the level and minutia sought in Plaintiff's discovery requests appear to go well beyond the reasonable scope of initial written discovery. For example, Plaintiff's Request to Admit 5 through 17, 23, 31–37, 55–62, 101, and 123–25 all ask variations on the same question: Did Defendants administer morphine, a controlled opiate, twice to Plaintiff instead of penicillin? While Plaintiff is entitled to seek some details about this issue, the Court does not understand either the need for over 25 variations on this request or the benefit to framing such inquiries as Requests to Admit rather than deposition questions where real-time responses can be collected in a more efficient and cost-effective manner. See 8B Wright & Miller Fed. Prac. & Proced. Civil § 2163 (3d ed. 2026 updates) (discussing the distinctions between interrogatories and other discovery procedures).

As to Plaintiff's interrogatories, the Court recommends the following description on the best uses of interrogatories from the treatise cited above:

Interrogatories are an effective way to obtain simple facts, to narrow the issues by securing admissions from the other party, and to obtain information needed in order to make use of the other discovery procedures. Resort may be had to interrogatories to obtain details about matters on which the pleadings are quite general. Interrogatories can be a simple mode of obtaining the names and addresses of persons having knowledge of pertinent facts, or of securing information about the existence of documentary evidence

Id.

To this end, the problem with Plaintiff's discovery requests is not found in any particular interrogatory or request but in the want of careful editing. This, in turn, is the art of pruning and deploying questions that are calculated not only to provide relevant information but to compliment the other evidence gathering tools. To resolve this issue, the Court is going to give Plaintiff 30 days from the date of this order to edit, revise, and reduce the written discovery questions, including all interrogatories, requests to produce, and requests to admit, to a manageable number. While the Court is not going to set a limit or cap at this time, Plaintiff is well-advised to refer to both federal jurisdictions and other states for a sense of proportionality.

In completing this task, Plaintiff should consider what questions would be better answered as part of written discovery, and what questions should be held back for the inevitable depositions.¹

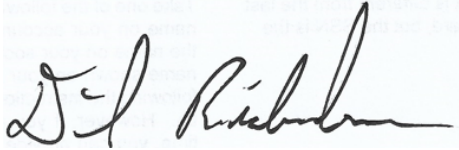
The Court will also set this matter for a discovery conference in no less than 45 days. The purpose of this discovery conference is to permit Plaintiff to revise and file her written discovery and for the parties to confer at least once more before any hearing regarding the written discovery.

At the discovery conference, the Court will address any remaining discovery issues as well as the timing of the remaining discovery disclosures. Pending this conference the discovery deadlines for any disclosures beyond the written discovery, including expert witnesses, are stayed.

Finally, the Court finds Plaintiff's motions seeking to compel and requests for admission are **Denied** as premature.

So Ordered.

Electronically signed on 7/6/2026 6:57 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is written over a light blue rectangular background.

Daniel Richardson
Superior Court Judge

¹ The Court notes that if Plaintiff intends to limit discovery to written questions, then the length of the questions may be justified, but given that there has been no indication of such strategy, the Court will treat this dispute as part of a course of discovery that will likely include depositions.