**CAPTION:** **TILR CORPORATION V. TALENTNOW, L.L.C.**

**04-26-23**

APPEAL NO.: C-220323

TRIAL NOS.: A-2102584

A-2103170

KEY WORDS: PRESUIT-DISCOVERY – CIV.R. 34(D) – PRODUCTION OF DOCUMENTS – R.C. 2317.48 – INTERROGATORIES – CIV.R. 12(B)(6) – MOTION TO DISMISS – PLEADINGS – CIV.R. 26(C) – PROTECTIVE ORDER – REASONABLE EFFORTS – CIV.R. 37(A)(5)(a) – REASONABLE EXPENSES – SUBSTANTIAL JUSTIFICATION

SUMMARY:

The trial court properly denied defendants’ motion to dismiss plaintiff’s presuit discovery action because the pleadings in the filing alleged sufficient facts to find that plaintiff’s request for the production of documents under Civ.R. 34(D) was necessary to ascertain the identity of additional adverse parties involved in the misappropriation of plaintiff’s data, and plaintiff’s interrogatories under R.C. 2317.48 were necessary to discover how defendants were using plaintiff’s data in order to file a subsequent complaint.

The trial court abused its discretion when it granted plaintiff’s motion to compel because the trial court failed to determine whether plaintiff’s discovery requests exceeded the scope of Civ.R. 34(D) and R.C. 2317.48 and failed to determine whether another defendant’s discovery responses rendered plaintiff’s remaining requests cumulative or unnecessary.

JUDGMENT: REVERSED IN PART, AFFIRMED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by BOCK, J.; ZAYAS, P.J., and BERGERON, J., CONCUR.