

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROGER HODGES
KIMBERLY HODGES,
PLAINTIFFS

v.

Civil Action No. 01-10001

SUN RESORTS, INC.,
MONICA ATKINS, individually and as an
Officer of Sun Resorts, Inc.,
ALLEN COLEMAN, individually and as n
Officer of Sun Resorts, Inc.,
SHORELINE REALTY, INC.,
JOSEPH SALEM, Individually and as an
Officer of Shoreline Realty, Inc.,
DEFENDANTS

**MOTION TO COMPEL DEFENDANT'S FURTHER RESPONSES
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
DEFENDANT SUN RESORTS, INC. AND FOR SANCTIONS**

Pursuant to to Rules 33(a) and 37(a) of the Federal Rules of Civil Procedure, Plaintiffs Roger F. Hodges and Kimberly Hodges, by and through their undersigned attorney, move the court for an order requiring Sun Resorts, Inc. ("Sun Resorts") to fully and completely answer Plaintiffs' First Set of Interrogatories, served on March 11, 2002.

1. Interrogatory No. 5

On information and belief, Sun Resorts' answer to this Interrogatory is incomplete. Instead of describing all promotion, solicitation and sales efforts used in connection with the Sun Resorts development, the defendant provides only a brief outline, omitting efforts such as the series of advertisements in the *Ocean Shore Gazette*, one of which was Sun Resorts' first contact with the Plaintiffs.

2. Interrogatory No. 9

Sun Resorts failed to answer Subparts (c) and (d) of this Interrogatory.

3. Interrogatories 1,3 and 4

Plaintiffs further move the court for an order requiring Sun Resorts to answer Interrogatories 1, 3 and 4 to which Sun Resorts have objected. In support of his motion, Plaintiffs refer the Court to their supporting brief filed herewith, which demonstrates that the objections to such interrogatories are without merit and that Plaintiffs are entitled to the information sought therein.

Pursuant to Rule 37(a)(4), Federal Rules of Civil Procedure, Plaintiffs hereby request that Sun Resorts be required to pay Plaintiffs the reasonable expenses, including attorney's fees, incurred in bringing this motion. In support of this request, Plaintiffs attest that the Defendant's counsel has not played fair, and has called Plaintiffs' counsel names.

CERTIFICATE OF CONSULTATION

Counsel for Sun Resorts, Inc., Monica Atkins and Allen Coleman hereby certify that they have conferred with plaintiffs' counsel and have attempted in good faith to resolve or narrow the issues raised in this motion. No issues raised in this motion have been resolved or narrowed.

Attorneys for the Defendants
SUN RESORTS, MONICA ATKINS
AND ALLEN COLEMAN

/s/ Betsy Ross
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand on March 11, 2002.

/s/ Howard Rheeling
Howard L. Rheeling, Esq. (BBO #005932)