

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>KAREN JACKSON,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION NO.</b>
<b>v.</b>	)	
	)	<b>CV-11-2632-LSC</b>
<b>CITY OF BIRMINGHAM, et al.,</b>	)	
<b>Defendants.</b>	)	<b><u>OPPOSED</u></b>

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**DEFENDANTS' MOTION TO COMPEL PLAINTIFF TO RESPOND TO  
INTERROGATORIES AND REQUEST FOR PRODUCTION**

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The Defendants, the City of Birmingham (“City”), Alabama, a municipal corporation existing under the laws of the State of Alabama and the Birmingham Library Board (“Board”), by and through their attorney of record, moves this Honorable Court for an Order compelling the Plaintiff, Karen Jackson, to provide response to Interrogatories and Request for Production within three (3) days pursuant to Rules 30 and 37 of the *Federal Rules of Civil Procedure*. As grounds for said motion, the Defendants state as follows:

1. Pursuant to *Section IV, Motion Practice, Subsection B* of the Uniform Order (*Doc. 7*), the Defendants state that a resolution to the discovery dispute can be solved by the Plaintiff simply providing the outstanding discovery. As described below, the Defendants have attempted to resolve this matter

without the need for court intervention. The Defendants have no choice but to bring this ongoing matter to the Court's attention and request that the Court intervene.

2. On February 17, 2012, the Defendants served on Plaintiff Interrogatories and Request for Production in the above styled case. The Plaintiff failed to respond within thirty (30) days – March 18, 2012.
3. Federal Rule of Civil Procedure 33(b)(3) requires that answers and objections to interrogatories be served within thirty days after service of the interrogatories. Federal Rule of Civil Procedure 33(b)(4) provides that any grounds for objections not state within the time required are waived. Thus, by failing to answer or object within thirty days, the plaintiff has waived their right to object or respond to any of the interrogatories or production requests.
4. On April 10, 2012, the Defendants forwarded to Plaintiff's counsel a letter requesting the responses to such discovery without the need for Court intervention. The Plaintiff provided no response.
5. On May 8, 2012, the Plaintiff via email stated that he would have discovery responses "no later than Monday." [i.e. May 14, 2012]. As of today, May 18, 2012, the Plaintiff has still failed to provide said discovery.

6. The Defendants have been denied discovery they are entitled to and that is needed to defend said lawsuit.

**WHEREFORE PREMISES CONSIDERED**, the Defendants, City of Birmingham and the Birmingham Library Board, seek the following relief:

1. Order the Plaintiff, Karen Jackson, to responses to the outstanding discovery within three (3) days of the date of the Court's Order;
2. Such other, further and different relief as may be appropriate under Rule 30 and 37 of F.R.C.P.

Respectfully submitted,

/s/Fredric L. Fullerton, II

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been properly served with the Clerk of Court using the CM/ECF system on May 18, 2012 which will send notification of such filing to the following:

Adam P. Morel, Esq.  
517 Beacon Parkway West  
Birmingham, AL. 35209

/s/Fredric L. Fullerton, II  
Of Counsel