

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

CYNTHIA Y. DAVIS,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION 08-0436-KD-M
	:	
CITY OF MARION,	:	
	:	
Defendant.	:	

ORDER

On February 4, 2009, Plaintiff filed a Motion to Compel Discovery and Memorandum in Support of Her Motion to Compel (Doc. 15). Since more than eleven days have elapsed and Defendant has filed no response or objection thereto, Defendant is hereby held to waive objection to the motion. (See paragraph 10(c) of the Court's Rule 16(b) Scheduling Order dated October 22, 2008 (Doc. 11).) After consideration of the motion, it is **GRANTED** and Defendant is **ORDERED** to answer and produce as requested on or before **February 27, 2009**.

This appears to be an appropriate case under Rule 37, Fed.R.Civ.P., for the reimbursement of moving party's attorney's fees and costs. If they are claimed, an accounting shall be submitted by affidavit to the Court within ten days of the date of this Order. Any objection to the claimed expenses should be filed with the Court within five days of service of the

affidavit.

DONE this 17th day of February, 2009.

s/BERT W. MILLING, JR.  
UNITED STATES MAGISTRATE JUDGE