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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Manrico Lollie,

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No. CV-12-02637-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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GC Services LP,

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Defendant.

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Before the court is defendant’s motion to compel documents (doc. 24) and plaintiff’s response (doc. 29).

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This action involves a dispute under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692. Defendant, a collection agency, is attempting to collect a debt on behalf of United Student Aid Funds (“USA Funds”). Plaintiff alleges that he does not owe the debt. As evidence of his payment, he attaches to the Complaint a letter from USA Funds, which provides that “USA Funds considers your obligation to repay the loan(s) mentioned above satisfied.” Compl., Ex. B. Although Exhibit B is only a single page, defendant contends that it is clear from references in the letter that the USA Funds letter is at least two pages long. Because of the letter’s obvious importance in determining whether a debt is owed, defendant now moves to compel disclosure of a complete copy of Exhibit B.

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Plaintiff has refused to disclose any additional pages that he has in his possession, or

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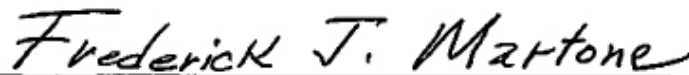
1 alternatively to provide in writing that he is not in possession, custody or control of a
2 complete copy of Exhibit B. Instead, plaintiff's counsel has argued that defendant is not
3 entitled to compel Exhibit B because defendant has not served any discovery requesting a
4 complete copy of Exhibit B. Plaintiff appears to indirectly assert that he is not in possession
5 of a second page to Exhibit B. See Response at 2. He has asserted that he would disclose
6 "any additional information regarding Exhibit B." Motion, Ex. 1 at 5. But after repeated
7 requests, he has failed to either produce a complete copy of the letter or confirm that he is
8 not in possession of additional pages.

9 Plaintiff has an obligation under Fed. R. Civ. P. 26(a)(1)(A) and (e) to disclose to
10 defendant a complete copy of Exhibit B or to affirmatively state that he does not have a
11 complete copy. Plaintiff and his counsel have failed to comply.

12 Therefore, **IT IS ORDERED GRANTING** defendant's motion to compel (doc. 24).
13 On or before June 14, 2013, plaintiff shall either produce a complete copy of Exhibit B or
14 state affirmatively that he does not have a complete copy in his possession or control.

15 **IT IS FURTHER ORDERED** that plaintiff and his counsel shall pay defendant's
16 reasonable expenses, including attorney's fees, caused by their failure to comply with Rule
17 26(a)(1)(A) and (e). See Fed. R. Civ. P. 37(b)(2)(C).

18 DATED this 11th day of June, 2013.

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21 **Frederick J. Martone**
22 **Senior United States District Judge**
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