

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**UNITED STATES OF AMERICA, *ex rel.*
ELIZABETH BURROUGHS**

PLAINTIFF

v.

Case No. 4:08-cv-2757-DPM

**CENTRAL ARKANSAS DEVELOPMENT
COUNCIL and LARRY COGBURN, Executive
Director**

DEFENDANTS

ORDER

Central Arkansas Development Council and Larry Cogburn propounded their first set of interrogatories and requests for production of documents in mid-April 2010. Burroughs did not respond. CADC and Cogburn contacted Burroughs twice to inquire about the status of the her responses, but she still did not respond. They have now moved to compel and to recover their expenses incurred in filing the motion. Burroughs has not responded to their motion.

The motion to compel, *Document No. 120*, is granted in part. Burroughs must respond to CADC and Cogburn's first set of interrogatories and requests for production of documents within 14 days from the entry of this order.

Failure to do so may result in appropriate sanctions as set out in Fed. R. Civ. P. 37(b).

As to CADC and Cogburn's request for expenses, the Court, upon giving Burroughs an opportunity to be heard, "must" award them their "reasonable expenses incurred in making the motion [to compel], including attorney's fees" subject to three exceptions. Fed. R. Civ. P. 37(a)(5)(A). Burroughs has 14 days from the entry of this order to file a paper explaining why the Court should not grant the motion for expenses. CADC and Cogburn will then have 7 days to respond. The Court therefore withholds ruling on the expenses issue.

So Ordered.



D.P. Marshall Jr.
United States District Judge

4 August 2010