

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

JON BEVANS

PLAINTIFF

v.

CASE NO. 4:09CV0016 BSM

**CITY OF CONWAY; MAYOR TAB TOWNSELL;
Individually and in his Official Capacity as Mayor
of Conway; CITY COUNCIL MEMBERS ANDY
HAWKINS, DAVID GRIMES, MARK VAUGHT,
SHELLEY MEHL, JACK BELL, MARY SMITH,
THEODORE JONES, JR. and SHEILA WHITMORE,
Individually and in their Official Capacities as City
Council Members for the City of Conway; THE
CONWAY POLICE DEPARTMENT; POLICE CHIEF
A.J. GARY, Individually and in his Official Capacity as
Police Chief of the Conway Police Department;
JASON CAMERON, Individually and in his Official
Capacity as a Conway Police Officer; and JOHN DOES
#1 AND #2**

DEFENDANTS

ORDER

Before the court are defendants' motion for sanctions and/or to compel [Doc. No. 23] and motion to extend discovery and dispositive motions deadline [Doc. No. 25]. Plaintiff, Jon Bevans ("Bevans"), has not responded to the motion for sanctions and/or to compel, and is unopposed to the motion to extend discovery and dispositive motions deadline. For the following reasons both motions are granted.

According to defendants' motion for sanctions and/or to compel Bevans was served with the first set of interrogatories and requests for production on or about April 27, 2009. Responses were not received. On September 30, 2009 defendants sent plaintiff a second copy of interrogatories and requests for production. The letter accompanying the discovery

requests stated that responses would be expected by October 30, 2009. Responses were not received. On or about November 12, 2009, a letter was sent from defense counsel's office informing plaintiff's counsel that if responses were not received by November 19, 2009, a motion to compel would be filed. Responses were not received. Prior to filing the motion to compel, defense counsel contacted plaintiff's counsel. Plaintiff's counsel informed defense counsel that a motion to compel would be necessary to obtain responses, and that the overdue responses were not the fault of plaintiff's counsel.

For good cause shown, defendants' motion for sanctions and/or to compel [Doc. No. 23] is granted. Bevens is directed to provide responses to the outstanding discovery on or before January 18, 2010. Bevens is cautioned that failure to timely comply with this order may result in dismissal of his case. Additionally, defendants are entitled to all reasonable attorneys fees and costs for obtaining the responses to propounded discovery. Defendants are directed to file a fee petition within thirty (30) days of this order. Further, defendants' motion to extend discovery and dispositive motions deadline [Doc. No. 25] is granted. Discovery must be completed on or before February 17, 2010. The deadline for the filing of dispositive motions is extended to March 19, 2010.

IT IS THEREFORE ORDERED this 4th day of January, 2010.


UNITED STATES DISTRICT JUDGE