

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

TERRI LEWIS

PLAINTIFF

v.

CASE NO. 4:09cv00884 BSM

INTERNATIONAL BIORESOURCES, LLC

DEFENDANT

ORDER

Defendant International Bioresources (“IBR”) moves to compel plaintiff Terri Lewis (“Lewis”) to provide discovery, and for a continuance. [Doc. No. 24]. Lewis has responded. The motion is granted.

IBR propounded its first set of interrogatories and requests for production to Lewis on July 15, 2010. Lewis failed to respond. Counsel for IBR and counsel for Lewis have conferred several times in an effort to resolve the issue, but Lewis has yet to respond. Additionally, IBR has made several attempts to take Lewis’s deposition. Most recently the deposition was scheduled for October 15, 2010. For reasons unknown, Lewis was unable to attend. The final scheduling order set the discovery deadline for October 18, 2010. A bench trial is scheduled for January 10, 2011. IBR requests that (1) Lewis be directed to cooperate and attend her deposition by a set date; (2) Lewis be directed to cooperate with IBR’s discovery requests; and (3) the bench trial be stayed and all scheduling deadlines be extended.

In her response, Lewis admits that responses have not been provided to the first set of interrogatories and requests for production. She further admits that she has not attended

the scheduled depositions. She counters, however, that IBR has not responded to her first requests for production. Lewis joins in IBR's request for continuance and does not object to IBR's request that she be directed to cooperate in discovery and a scheduled deposition.

In its reply, IBR maintains that it provided responses to Lewis's first requests for production on September 14, 2010. Attached to its reply is a letter dated September 14, 2010 sent from IBR's counsel to Lewis's counsel. The letter contains enclosures and states that the responses are served.

For good cause shown, the motion [Doc. No. 24] is granted. Lewis is directed to provide responses to IBR's first set of interrogatories and requests for production on or before December 6, 2010. The parties are directed to schedule Lewis's deposition on or before December 20, 2010, and Lewis is directed to attend set deposition. It appears from the record that IBR has already responded to Lewis's first requests for production. If this has not occurred, however, a motion to compel will be considered. The bench trial will be continued, and an amended scheduling order will be entered in accordance with the above.

IT IS SO ORDERED this 4th day of November, 2010.


UNITED STATES DISTRICT JUDGE