

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

BYRON W. TURNER

PLAINTIFF

v.

Case No. 2:12-CV-02114

GRAPHIC PACKAGING INTERNATIONAL, INC.

DEFENDANT

**ORDER**

Currently before the Court are Defendant Graphic Packaging International, Inc.'s ("Graphic Packaging") First (Doc. 10) and Second (Doc. 11) Motions to Compel and brief in support (Doc. 11-1).<sup>1</sup> The first motion was mooted by the filing of the second motion, and Graphic Packaging's First Motion to Compel (Doc. 10) is therefore DENIED AS MOOT.

Graphic Packaging served Plaintiff Byron W. Turner with Graphic Packaging's first interrogatories and first requests for production of documents on October 3, 2012. To date, Graphic Packaging states that it has not received any response from Mr. Turner to its discovery requests.

Pursuant to Federal Rules of Civil Procedure 33(b)(2) and 34(b)(2)(A), Mr. Turner had 30 days to respond to Graphic Packaging's discovery requests. Using the rules for computing time set forth by Federal Rule of Civil Procedure 6, Mr. Turner's responses were therefore due on November 5, 2012, allowing an extra three days since Mr. Turner was served with the requests via mail.

Mr. Turner did not respond to Graphic Packaging's discovery requests by the November 5 deadline and has not responded to this date. Furthermore, Mr. Turner has not responded to Graphic Packaging's Motion to Compel.

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<sup>1</sup> Defense counsel is advised to consult Local Rule 7.2(a) when filing future motions with this Court. In the future, a brief in support of a motion should be filed as a separate document, and not as an attachment.

Accordingly, IT IS ORDERED that Graphic Packaging's Second Motion to Compel (Doc. 11) is GRANTED. Mr. Turner is ordered to appropriately respond to Graphic Packaging's discovery requests **by 5:00 p.m. on January 18, 2013**. Mr. Turner is also directed to cooperate with defense counsel in setting a date for Mr. Turner's deposition.

Mr. Turner is advised that failure to comply with this Order could result in dismissal of his case. If Mr. Turner fails to provide discovery responses in accordance with this Order, Graphic Packaging should advise the Court by filing a motion to dismiss.

Graphic Packaging's request that Mr. Turner be ordered to pay reasonable expenses is denied at this time. It appears that ordering Mr. Turner to pay expenses would be unjust given that Mr. Turner is proceeding *in forma pauperis* and *pro se* in this action. Fed. R. Civ. P. 37(a)(5)(A)(iii).

IT IS SO ORDERED this 3rd day of January, 2013.

*P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE