

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ZURICH AMERICAN INSURANCE
COMPANY

PLAINTIFF

v.

Civil No. 4:15-cv-04019

FIKES TRUCK LINE, LLC.

DEFENDANT

ORDER

BEFORE the Court is the Plaintiff's Motion to Compel. ECF No. 29. With this motion, Plaintiff seeks to compel responses to certain post-judgment discovery requests to be completed by Defendant. The Defendant has responded to this Motion. ECF No. 34. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), United States District Judge Susan O. Hickey referred this Motion to the undersigned for decision. The Court having reviewed the pleadings and arguments of counsel finds Plaintiff's Motion to Compel (ECF No. 29), should be **GRANTED**.

In their Motion to Compel, Plaintiff states they served Post-Judgment Interrogatories and Requests for Production to Defendant on November 20, 2015. *Id.* To date, the discovery requests have not been answered. On November 23, 2015, Defendant's counsel informed Plaintiff she no longer represented the Defendant. ECF 29-2. However, at that point, Defendant's counsel has not sought or obtained leave to withdraw as required by Local Rule 83.5(f).

On December 28, 2015, Plaintiff's counsel, by email, requested the discovery requests be answered. *Id.* With no responses being made, Plaintiff filed this present Motion to Compel. ECF No. 29. On January 5, 2016, Defendant's counsel filed a Motion to Withdraw as counsel for Defendant. ECF No. 30. This Motion was denied on January 7, 2016. ECF No. 33.

In the response, Defendant's counsel states Defendant, Fikes Truck Line, is no longer in operation and its debts exceed its assets. ECF No. 34. While this may be true, Defendant still is

obligated to respond to the post-judgment discovery requests. Plaintiff is entitled to post-judgment discovery from the judgment debtor Defendant in aid of judgment and execution under Fed. R. Civ. P. 69(a)(2). Further, any objections Defendant may have had to the discovery have been waived for failure to answer within 30 days.

Accordingly, Plaintiff's Motion to Compel (ECF No. 29) is **GRANTED**. Defendant is **DIRECTED** to provide Plaintiff with their responses to the post-judgment discovery requests **by February 15, 2016**.

IT IS SO ORDERED this **20th day of January 2016**.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE