



1 subjects of that information—that the disclosing party may use to support its claims or  
2 defenses...” and provide a copy or description of “all documents, electronically stored  
3 information, and tangible things that the disclosing party has in its possession, custody, or control  
4 and may use to support its claims or defenses.” Fed. R. Civ. P. 26(a)(1)(A)(ii). “If a party fails to  
5 make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for  
6 appropriate sanctions.” Fed. R. Civ. P. 37(a)(3)(A).

7 Here, the court ordered initial disclosures to be produced by February 1, 2020. (ECF No.  
8 26.) Defendants have not provided initial disclosures to plaintiff, and defendants have not  
9 responded to plaintiff’s meet and confer requests. (ECF No. 28-1 at 2.) The court rescheduled  
10 the hearing on this motion to compel because defendants’ counsel withdrew from this case after  
11 the present motion was filed. (ECF No. 31.) And RG Group, LLC was admonished that under  
12 Local Rule 183(a), “[a] corporation . . . may appear only by an attorney.” No attorney has entered  
13 on behalf of defendants, and defendants have still not responded to meet and confer requests or  
14 the present motion. (ECF No. 33.) Given defendants’ continued failure to produce initial  
15 disclosures and their failure to follow court orders, plaintiff’s motion to compel is GRANTED.

16 Plaintiff also requests attorneys’ fees, pursuant to Federal Rule of Civil Procedure 37(a),  
17 of \$3,185.00 incurred by plaintiff in connection with bringing this motion and seeking initial  
18 disclosures. (ECF No. 28-2 at 3.) This amount is appropriate under the circumstances and is  
19 therefore awarded.

20 Finally, defendants are **ordered to show cause** for their failure to respond and failure to  
21 comply with court orders in this matter. More specifically, both defendants are to address why  
22 they failed to appear at the hearing on the present motion, why they failed to meet and confer with  
23 plaintiff’s counsel, and why they failed to provide initial disclosures by the court-ordered  
24 deadline. Additionally, defendant RG Group, LLC shall address its failure to obtain counsel, as  
25 required by Local Rule 183(a), and defendant John F. Gehm, III shall address his efforts, if any,  
26 to obtain counsel. Defendants’ failure to respond to this order shall constitute grounds for, and  
27 defendants’ consent to, additional sanctions, including defaults and default judgments, to be  
28 entered against them.


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Accordingly, it is HEREBY ORDERED that:

1. Defendants RG Group, LLC and John F. Gehm, III shall provide plaintiff with initial disclosures pursuant to Rule 26(a)(1) within twenty-one (21) days of this order.
2. Defendants RG Group, LLC and John F. Gehm, III are liable to plaintiff for \$3,185.00 in attorneys' fees incurred in connection with bringing this motion.
3. Defendants RG Group, LLC and John F. Gehm, III shall show cause, in writing and as outlined above, within twenty-one (21) days of this order.

IT IS SO ORDERED.

Dated: June 19, 2020

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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