Seng v. Americana Investments, LLC et al Doc. 95

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13–cv–01745–REB–KMT

CHUN CHEE SENG,

Plaintiff,

v.

AMERICAN INVESTMENTS, LLC,
MARGARET V. ANDERSON-CLARKE,
ANDERSON-CLARKE LAW,
BRIAN D. WEST, and
WEST LAW GROUP, P.C.,

Defendants.

ORDER

This matter is before the court on "Plaintiff's Motion to Compel Defendant Americana Investments' Answers to Interrogatories" (Doc. No. 82 [Mot.], filed July 3, 2014).

Plaintiff seeks to compel further responses to a first set of interrogatories served on December 3, 2013. Specifically, Plaintiff requests that this court order Defendant Americana to "to fully answer Plaintiff's First Set of Interrogatories, which contained inquiries as to basic business information, including activities (Interrogatory 3), revenue and assets (Interrogatories 5-6), and the identities of directors/officers (Interrogatories 4, 10)." (Mot. at 1.) Plaintiff asserts that Defendant Americana provided inapplicable boilerplate objections, which are patently

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deficient and nonresponsive. (*Id.*) Defendant Americana did not file a response to the Motion to Compel. Defendant's failure to raise an objection in response to the motion to compel may be deemed a waiver of that objection. *Cardenas v. Dorel Juvenile Group, Inc.*, 232 F.R.D. 377, 380 n.15 (D. Kan. 2005).

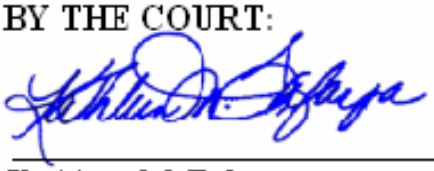
Therefore, upon a review of the Motion to Compel, and being fully advised in the premises, it is

ORDERED that the Motion to Compel (Doc. No. 82) is **GRANTED**. On or before **August 8, 2014**, shall answer in full and respond to Plaintiff's First Request for Interrogatories. It is further

ORDERED that Plaintiff is awarded costs and attorney fees, against Defendant Americana, incurred in pursing the Motion to Compel. *See* Fed. R. Civ. P. 37(a)(5). Plaintiff shall, on or before August 11, 2014, submit an accounting for reasonable costs associated with the preparation and presentation of the motion, including attorney's fees . Any objections to the reasonableness of the amount claimed shall be filed on or before August 18, 2014.

Dated this 31st day of July, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge