

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ORIX CAPITAL MARKETS, LLC, :
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 Plaintiff, :
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 v. :
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550 REALTY ASSOCIATES, LLC :
et al., :
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 Defendants. :
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CASE NO. 3:12CV423 (RNC)

RULING ON MOTION TO COMPEL

Plaintiff ORIX Capital Markets, LLC brings this foreclosure action regarding certain real property in Norwalk. (Doc. #1.) On April 30, 2012, plaintiff served discovery requests on counsel for defendants 550 Realty Associates, LLC and Frank M. Bauco. Defendants made no response. In the following months, they obtained substitute counsel. On September 28, 2012, plaintiff re-served those discovery requests on defendants' new counsel. It also served discovery requests directed to defendant Jacqueline Graham. Defendants again made no response. On November 29, 2012, plaintiff filed the pending Motion to Compel, doc. #78. Defendants filed no response to the motion, nor have they sought any extension of discovery deadlines.

On January 3, 2013, the court heard oral argument on the motion. Defendants argued that their protracted noncompliance was due to their efforts to "clear up" false records pertaining

to the subject property and to obtain responsive documents from evasive third parties. Defendants conceded that there was "no reason" that plaintiff should not have its discovery and pledged to serve responsive documents "next week." They did not offer any excuse for their failure to seek extensions of discovery deadlines but argued that monetary sanctions are unwarranted because they intend to serve discovery responses shortly and because the motion to compel was routine and required little effort from plaintiff's counsel.

Plaintiff's Motion to Compel, doc. #77, is GRANTED. Defendants 550 Realty, Bauco and Graham shall comply in full with plaintiff's discovery requests within the fourteen-day deadline set forth in D. Conn. L. Civ. R. 37(d). Pursuant to Fed. R. Civ. P. 37(a)(5), plaintiff is awarded the reasonable expenses incurred in making this motion. Counsel are encouraged to confer and agree on the appropriate amount. Only if they cannot, plaintiff may apply for a determination of the amount at the conclusion of the case.

SO ORDERED at Hartford, Connecticut this 18th day of January, 2013.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge