

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|  |   |                             |
|--|---|-----------------------------|
| <b>CUSTOM FOAM WORKS, INC.,</b>        | ) |                             |
|  | ) |                             |
| Plaintiff,                             | ) |                             |
|  | ) |                             |
| V.                                     | ) | Civil No. <b>09-710-MJR</b> |
|  | ) |                             |
| <b>HYDROTECH SYSTEMS, LTD, et al.,</b> | ) |                             |
|  | ) |                             |
| Defendants.                            | ) |                             |

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is defendants Hydrotech Systems and Aquatic Development Group’s motion to compel plaintiff Custom Foam Works to fully and completely answer interrogatories and comply with requests for production propounded by plaintiff on or about November 16, 2009. (**Doc. 29**). The defendants have not filed a response to the subject motion. The Court construes plaintiff’s failure to respond as a concession of the motion.

A review of the documentation submitted by defendant establishes that the motion is well taken. With that said, plaintiff’s failure to comply with requests for production and to give complete responses to Interrogatories 4, 6, 7 and 8 appears to be due to the ongoing nature of the discovery process, as opposed to any act of bad faith. At this juncture, now that discovery has proceeded, plaintiff should be able to fully and completely respond to the defendants’ discovery requests.

**IT IS THEREFORE ORDERED** that defendants’ motion (**Doc. 29**) is **GRANTED**; on or before **September 7, 2010**, plaintiff Custom Foam Works shall fully respond to the interrogatories and comply with the request for production propounded by the defendants on or

about November 16, 2009.

**IT IS SO ORDERED.**

**DATED: August 25, 2010**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**