

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

GENERAL ELECTRIC CAPITAL)	
CORPORATION,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:12-MC-6-PRC
)	
WAYNE G. WICKARD, et al.,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court pursuant to this Court’s November 13, 2015 Order [DE 58] granting Plaintiff General Electric Capital Corporation’s Second Motion to Compel Discovery Responses. Defendant Wayne G. Wickard did not file a response to that motion, and the Court granted it, ordering Wickard to serve responses to Plaintiff’s discovery requests. The motion did not ask for reasonable expenses. However, Federal Rule of Civil Procedure 37 states that reasonable expenses must be awarded to the prevailing party. Fed. R. Civ. P. 37(a)(5)(A). There are a few exceptions to this rule, and the Court may only award reasonable expenses after the losing side has had an opportunity to be heard on the issue. *Id.* The Court accordingly set deadlines for briefing on whether reasonable expenses should be awarded. Wickard has filed no objection to an award of reasonable expenses, and the time to do so has passed.

Accordingly, the Court **ORDERS** Defendant Wayne G. Wickard to pay the reasonable attorney fees and costs incurred by Plaintiff in filing the Motion to Compel. The Court **ORDERS** Plaintiff to file an affidavit of fees no later than **December 6, 2015**. Defendant Halquist may file a response (as to the amount of fees only) no later than **December 13, 2015**. If a response is filed, Plaintiffs may file a reply no later than **December 20, 2015**.

SO ORDERED this 30th day of November, 2015.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Defendant Wayne G. Wickard, pro se