

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

GENERAL ELECTRIC CAPITAL CORPORATION,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:12-MC-6-PRC
)	
WAYNE G. WICKARD,)	
Judgment Defendant,)	
)	
DIVERSIFIED MANAGEMENT SERVICES,)	
Garnishee Defendant.)	

OPINION AND ORDER

This matter is before the Court on an Affidavit of Attorney Regarding Fees and Expenses [DE 64], filed by Plaintiff General Electric Capital Corporation on December 18, 2015. Per the Court's Order dated December 16, 2015, and because Defendant Wayne G. Wickard filed no response to an earlier, stricken affidavit, the Court has disallowed any response by Defendant Wickard to this affidavit.

This matter originates in a Motion to Compel filed by Plaintiff on November 2, 2015. The motion sought to compel Defendant Wickard to respond to outstanding discovery requests served on him by Plaintiff. After the motion was fully briefed, the Court granted the motion.

Federal Rule of Civil Procedure 37 provides that, if a Motion to Compel is granted, a court "must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5)(B). The Rule provides exceptions if the movant did not make a good faith attempt to resolve the matter without the Court's involvement, the motion was substantially justified, or if other

circumstances make an award of expenses unjust. *Id.* Since the matter of expenses was not discussed in the original motion, the Court ordered additional briefing. Defendant Wickard filed no objection to the award of reasonable expenses. The Court awarded reasonable expenses to Plaintiff and ordered it to file an affidavit of fees. Plaintiff has done so.

Based on the foregoing, the Court hereby **ORDERS** Defendant Wayne G. Wickard to **PAY** Plaintiff General Electric Capital Corporation's reasonable costs of \$495.00 incurred in bringing the Motion to Compel.

SO ORDERED this 5th day of January, 2016.

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