

Plaintiffs' counsel stated that he would provide the disclosures and respond to the outstanding written discovery within the next several days. (Mot. to Compel ¶ 5.)

On March 5, 2015, not having received the promised disclosures and discovery responses, Lowe's counsel sent correspondence to Plaintiffs' counsel requesting that the disclosures and discovery responses be produced by March 17, 2015. (Mot. to Compel ¶ 6, Ex. E.) Lowe's counsel further informed that if the disclosures and discovery responses were not produced by that date, Lowe's would "have no other alternative but to file a motion to compel." (Mot. to Compel. Ex. E.)

On March 19, 2015, still not having received the disclosures and discovery responses, Lowe's filed the instant motion to compel, together with a certification under Local Rule 37-1(a). (DE # 70.) As stated earlier, Plaintiffs have not responded to the motion to compel, and the time to do so has now passed.

B. Applicable Law

Under Federal Rule of Civil Procedure 37, a party is permitted to file a motion to compel discovery where another party fails to respond to interrogatories or requests for production of documents. *See Redmond v. Leatherwood*, No. 06-C-1242, 2009 WL 212974, at *1 (E.D. Wis. Jan. 29, 2009). Together with the motion to compel, a party must file "a separate certification that the party has conferred in good faith or attempted to confer with the other affected parties in an effort to resolve the matter raised in the motion without court action." N.D. Ind. L.R. 37-1(a); *see* Fed. R. Civ. P. 37(a)(1). "A motion to compel discovery pursuant to Rule 37(a) is addressed to the sound discretion of the trial court." *Redmond*, 2009 WL 212974, at *1 (citation omitted).

C. Discussion

The Court finds that Lowe's counsel has adequately attempted to confer in good faith with Plaintiffs' counsel in an effort to resolve this matter without Court action. *See* Fed. R. Civ. P.

37(a)(1); N.D. Ind. L.R. 37-1(a). Plaintiffs appear to have simply ignored Lowe's outstanding discovery requests, Lowe's counsel's attempt at consultations, and Lowe's motion to compel. Consequently, the Court will GRANT the motion to compel and order Plaintiffs to provide their Rule 26(a)(1) initial disclosures to Lowe's and respond to Lowe's First Set of Interrogatories and First Request for Production of Documents on or before April 21, 2015. *See, e.g., Redmond*, 2009 WL 212974, at *1, 3 (granting plaintiff's motion to compel where defendants appeared to have "entirely ignored the plaintiff's discovery requests").

D. Conclusion

For the foregoing reasons, Defendants' Motion to Compel (Docket # 70) is GRANTED. Plaintiffs shall provide their Rule 26(a)(1) initial disclosures to Lowe's and respond to Lowe's First Set of Interrogatories and First Request for Production of Documents on or before April 21, 2015.

SO ORDERED.

Enter for April 7, 2015.

S/Susan Collins
Susan Collins
United States Magistrate Judge