

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

KARL E. JONES,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:15-cv-00093-JD-SLC
)	
CITY OF FORT WAYNE, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Before the Court is a motion to compel filed on February 16, 2016, by Defendants City of Fort Wayne and Officer Jon Bonar, seeking to compel Plaintiff Karl E. Jones to respond to their outstanding written discovery requests served on May 28, 2015. (DE 13). Jones has not filed a response to the motion, and the time to do so has now expired. For the following reasons, Defendants' motion to compel will be GRANTED.

A. Procedural Background

Jones filed this 42 U.S.C. § 1983 civil rights suit against Defendants in Allen Superior Court on April 7, 2015. (DE 3). Defendants timely removed the case to this Court. (DE 1). On May 27, 2015, this Court conducted a scheduling conference, setting a discovery deadline of April 15, 2016. (DE 10). On May 28, 2015, Defendants served their First Set of Interrogatories and Request for Production of Documents on Jones. (DE 13-1; DE 13-2).

On July 24, 2015, after Jones failed to timely respond to the discovery requests, defense counsel sent a letter to Jones's counsel, informing him that the responses were overdue. (DE 13-3). On November 5, 2015, defense counsel sent a second letter to Jones's counsel requesting that the overdue responses be produced within the next 10 business days. (DE 13-4). On November 9, 2015, defense counsel spoke with Jones's counsel about the overdue discovery responses. (DE 15 ¶

4). On January 19, 2016, defense counsel spoke again with Jones's counsel about the overdue discovery responses. (DE 15 ¶ 5). On January 20, 2016, defense counsel sent a third letter to Jones's counsel, requesting that the discovery responses be produced within the next 10 business days. (DE 13-5).

On February 16, 2016, Defendants filed the instant motion to compel, asking that the Court order Jones to respond to their First Set of Interrogatories and Request for Production of Documents. (AR 13). As stated earlier, Jones has 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 Defendants have adequately attempted to confer in good faith with Jones 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). Jones appears to have simply ignored Defendants' outstanding discovery requests, defense counsel's attempt at consultations, and Defendants' motion to compel. Consequently, the Court will GRANT the motion to compel (DE 13) and order Jones to answer Defendants' First Set

of Interrogatories (DE 13-1) and respond to Defendants' Request for Production of Documents (DE 13-2) on or before March 21, 2016. *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 (DE 13) is GRANTED. Jones is ORDERED to answer Defendants' First Set of Interrogatories (DE 13-1) and respond to Defendants' Request for Production of Documents (DE 13-2) on or before March 21, 2016.

SO ORDERED.

Enter for this 7th day of March 2016.

/s/ Susan Collins
Susan Collins
United States Magistrate Judge