UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION

LOIS TRASK,)
Plaintiff,)
)
V.)
)
JOAN BISH, CANNON COCHRAN,)
HORSESHOE CASINO, HAMMOND,)
RICK KNIGHT, EDGAR RODRIGUEZ,)
and ANTWAN SULLIVAN,)
Defendants.)

CAUSE NO.: 2:13-CV-1-RL-PRC

OPINION AND ORDER

This matter is before the Court on the State Defendant's[sic] Motion to Compel Interrogatory Responses and Document Production [DE 39], filed by Defendants Antwan Sullivan and Edgar Rodriguez on August 30, 2013.

On June 7, 2013, Defendants Sullivan and Rodriguez served Plaintiff with Defendants' First Set of Discovery under Rules 33, 34, and 36. On July 1, 2013, Plaintiff requested an extension of time to respond to the discovery requests, which the Court granted, extending the response deadline to July 16, 2013. Plaintiff did not serve her responses by that date. On August 23, 2013, pursuant to Northern District of Indiana Local Rule 37-1, Defendants sent a letter to Plaintiff requesting that she respond to the discovery requests on or before August 30, 2013. On August 30, 2013, counsel for Defendants left a voicemail message for Plaintiff requesting that she return the call. That same date, Defendants filed the instant motion. As of the date of the motion, Defendants had not received Plaintiff's responses. Defendants note that Plaintiff's deposition is scheduled for September 12, 2013. Defendants ask the Court to order Plaintiff to serve Defendants with the discovery responses prior to her scheduled deposition to allow Defendants to adequately prepare for the deposition. Defendants bring this motion pursuant to Federal Rule of Civil Procedure 37(a), which provides: "On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). Rule 37(a)(3) indicates that a motion to compel may be made if a party fails to answer an interrogatory submitted under Rule 33 or fails to respond to a request for production made under Rule 34. *See* Fed. R. Civ. P. 37(a)(3)(iii), (iv). The Court finds that Plaintiff has not answered the Interrogatories nor responded to the Request for Production. The Court further finds that these discovery responses are necessary for Defendants to properly prepare for Plaintiff's deposition.

Accordingly, the Court hereby **GRANTS** the State Defendant's[sic] Motion to Compel Interrogatory Responses and Document Production [DE 39] and **ORDERS** Plaintiff to serve Defendants Antwan Sullivan and Edgar Rodriguez with her response to their First Set of Discovery on or before <u>September 10, 2013</u>. In accordance with Northern District of Indiana Local Rule 26-2(a)(2)(A), Plaintiff must also file a copy of her responses with the Court.

SO ORDERED this 3rd day of September, 2013.

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

cc: All counsel of record Lois Trask, Plaintiff *pro se*