UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION

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L. H. H., a minor, by and through his mother and next friend, ESMERALDA HOLMAN HERNANDEZ, Plaintiff, v. GERALD HORTON, ANGELO BRADSHAW, CITY OF GARY, INDIANA, and GARY COMMUNITY SCHOOL CORPORATION, Defendants,

Cause No.: 2:13-CV-452-PRC

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion to Compel Responses to Written Discovery [DE 27], filed on November 4, 2014. Defendants have not filed a response, and the time to do so has passed. Plaintiff represents that Defendants have not served him with responses to his written discovery requests despite having been given extensions of time in which to do so. Plaintiff now asks that this Court compel Defendants to serve him with their responses.

The matter is well taken. Federal Rule of Civil Procedure 37 governs failures to cooperate in discovery. Specifically, it provides that motions to compel may be made if a party fails to respond to various types of discovery requests. Fed. R. Civ. P. 37(a)(3). Defendants have failed to provide discovery responses. And they have not responded to this motion. Accordingly, the Court **GRANTS** Plaintiff's Motion to Compel Responses to Written Discovery [DE 27] and **ORDERS** Defendants to serve Plaintiff with complete written discovery responses by December 12, 2014.

Rule 37 also provides that if a motion to compel is granted, "the 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). This issue has not been briefed. Any objection to the award of attorney fees incurred by Plaintiff in the litigation of this motion must be filed by December 8, 2014. Any response by Plaintiff must be filed by December 29, 2014. If a response is filed, replies may be filed by no later than January 8, 2015.

SO ORDERED this 2nd day of December, 2014.

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

cc: All counsel of record