

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TILDEN HOLLIDAY

CIVIL ACTION

VERSUS

NO. 10-2785

COMMONWEALTH BRANDS, INC.

SECTION "A"(2)

ORDER ON MOTION

APPEARANCES: None (on the briefs)

MOTION: Defendant's Motion for Rule 37(d) Sanctions, Record Doc. No. 10

ORDERED:

XXX: GRANTED IN PART AND DENIED IN PART. The motion is denied to the extent it seeks sanctions under Fed. R. Civ. P. 37(b)(2). While the court has authority to order sanctions under Rule 37(d), defendant has not violated any court order, which is a prerequisite for sanctions under Rule 37(b)(2).

Defendant has now provided, albeit late, its responses to plaintiff's written discovery requests. If plaintiff contends that any of those responses are inadequate, he can move to compel supplemental responses and/or for sanctions, after complying with Rule 37(d)(1)(B). The motion is granted in part and defendant must pay to plaintiff \$600 in attorney's fees for defendant's failure to respond, until after plaintiff filed the instant motion, to discovery that was served on December 16, 2010. Fed. R. Civ. P. 37(a)(5)(A).

In addition, the copy of plaintiff's Answers to Interrogatories provided to me with his (untimely) opposition memorandum, Record Doc. No. 11-1, at pp. 3-13, is not signed and verified by the person making them, not by plaintiff's attorney, as required by Fed. R. Civ. P. 33(b)(1)(A), (b)(5). Accordingly, **IT IS ORDERED** that, no later than **March 16, 2011**, plaintiff must provide defendant with his verification of his Answers to Interrogatories.

New Orleans, Louisiana, this 2nd day of March, 2011.JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE