

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ROBERT ROSS ET AL.

CIVIL ACTION

VERSUS

NO. 11-1827

JOHN M. DIGIOIA, JR.

SECTION "R" (2)

ORDER

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed and served no later than eight days before the noticed submission date. No memorandum in opposition to plaintiffs' Motion for Relief Under Rule 37(b)(2)(A, C), Record Doc. No. 41, submitted for decision on July 18, 2012 without oral argument, has been timely submitted. Accordingly, this motion is deemed to be unopposed, and, further, it appearing to the court that the motion has merit,

IT IS ORDERED that the motion is GRANTED, as follows. Defendant has not complied with this court's discovery order entered on May 2, 2012, requiring him to respond fully and in writing to plaintiffs' Interrogatory Nos. 1 and 2 and Request for Production Nos. 1, 5, 6, 7, 8, 11, 17, 18, 19, 20 and 21 of plaintiffs' first set of discovery requests and to make all responsive documents available to plaintiffs' counsel, no later than May 16, 2012. Record Doc. No. 38. Accordingly, defendant is precluded from introducing in support of or in opposition to any motion and at trial any proof (testimonial evidence or documents) concerning the matters in the subject discovery

requests, i.e., the existence of a partnership agreement, construction delays and defects, breach of contract, improper property management, negligent misrepresentation, detrimental reliance and the terms and payment of the promissory note and loan at issue in this lawsuit. Fed. R. Civ. P. 37(b)(2)(A)(ii).

In addition, defendant must pay to plaintiffs \$900 in attorney's fees as a sanction for his failure to comply with the court's prior order entered on May 2, 2012, Record Doc. No. 38. Fed. R. Civ. P. 37(b)(2)(C).

New Orleans, Louisiana, this 18th day of July, 2012.

A handwritten signature in black ink, reading "Joseph C. Wilkinson, Jr.", written in a cursive style.

JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE