

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**RICHARD BARROW**

**CIVIL ACTION**

**VERSUS**

**NUMBER 08-434-FJP-DLD**

**EXCEL LOGISTICS**

**ORDER**

This matter is before the court on a referral from the district court on defendant's Defendant's Motion to Compel Discovery Responses (rec.doc. 11), filed herein on February 17, 2009. Defendant stated in its motion that it propounded interrogatories and a request to production to plaintiff on December 4, 2008, but has received no responses, despite having contacted plaintiff in a good faith effort to resolve the matter.

According to ULLR 7.5M, any opposition to this motion was required to be filed within twenty (20) days after service. Plaintiff's response to the motion was due March 10, 2009, but as of March 17, 2009, the court has not received such response.

In light of the plaintiff's failure to respond both to the discovery and to this motion in a timely fashion, defendant's motion is **GRANTED** with reasonable costs not to exceed \$250, excluding attorneys' fees, to be borne by plaintiff, and plaintiff is **ORDERED** to file responses to outstanding discovery on or before **March 30, 2009**. No attorneys' fees are awarded at this time, however, repeated failure to respond to discovery may result in additional sanctions, including the awarding of attorneys' fees.

Signed in Baton Rouge, Louisiana, on March 17, 2009.



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**MAGISTRATE JUDGE DOCIA L. DALBY**