

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

BRIAN ARDOIN

CIVIL ACTION

VERSUS

NUMBER 08-00593-JVP-DLD

**STATE OF LOUISIANA, THROUGH THE
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS, OFFICE OF STATE
POLICE**

ORDER

This matter is before the court on a referral from the district court on plaintiff's motion to compel answers to interrogatories and response for request for production of documents (rec.doc. 32), filed herein on January 6, 2011.

Plaintiff stated in its motion that it propounded discovery to defendant on April 29, 2009. On July 8, 2009, the court granted plaintiff's motion to stay the action, and that stay was lifted on June 7, 2010. (rec. docs. 25, 29). Plaintiff contacted defendant via facsimile transmission on December 22, 2010, seeking responses to the outstanding discovery, and stated that a follow-up letter was sent on December 29, 2010. Neither correspondence generated a response from defendant.

Also, according to ULLR 7.5M, any opposition to this motion was required to be filed within twenty-one (21) days after service. Defendant's response to the motion was due January 31, 2011,¹ but as of February 2, 2011, the court has not received such response.

In light of the defendant's failure to respond both to the discovery and to this motion in a timely fashion, plaintiff's motion is **GRANTED** with reasonable costs not to exceed \$250, excluding attorneys' fees, to be borne by defendant, and defendant is **ORDERED**

¹This deadline includes 3 days mailing time, even though the motion was electronically filed.

to file responses to outstanding discovery on or before **February 16, 2011**. 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 February 2, 2011.



MAGISTRATE JUDGE DOCIA L. DALBY