

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ALMENIA MONCRIEFFE
VERSUS
STATE FARM INSURANCE

CIVIL ACTION
NUMBER 10-687-BAJ-SCR

RULING ON MOTION TO COMPEL DISCOVERY

Before the court is a Defendant's Motion to Compel Plaintiffs' Responses to Interrogatories and Requests for Production of Documents filed by defendant State Farm Fire and Casualty Company. Record document number [7](#). No opposition has been filed.

Defendant filed this motion to obtain responses to Interrogatories and a Request for Production of Documents served on November 5, 2010. Defendant asserted that its attorney attempted to contact the plaintiff's attorney to discuss the discovery requests but was unsuccessful. In addition to obtaining the discovery responses, the defendant sought an award of costs incurred in bringing this motion.

Plaintiff did not file a response to the defendant's motion. Plaintiff's failure to either object or answer the interrogatories and produce responsive documents demonstrates that under Rule 37(a), Fed.R.Civ.P., the defendant is entitled to an order compelling the plaintiff to respond to the defendant's discovery requests. Plaintiff must answer the interrogatories and produce for inspection and copying all responsive documents within ten

days. No objections will be allowed.¹

Under Rule 37(a)(5)(A), if a motion to compel discovery is granted, the court shall, after affording an opportunity to be heard, require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, unless the court finds that the motion was filed without the movant first making a good faith effort to obtain the discovery without court action, the party's nondisclosure, response or objection was substantially justified, or that other circumstances make an award of expenses unjust.

Plaintiff's failure to provide any responses or respond to this motion demonstrates that the defendant is entitled to reasonable expenses under this rule.² Defendant did not submit anything to support an award of a particular amount of expenses and attorney's fees. A review of the motion and memorandum supports the conclusion that the amount of \$250.00 is reasonable.

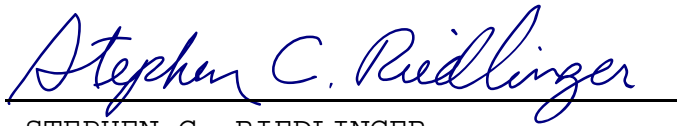
Accordingly, the Defendant's Motion to Compel Plaintiffs' Responses to Interrogatories and Requests for Production filed by State Farm Fire and Casualty Company is granted. Plaintiff shall

¹ Generally, discovery objections are waived if a party fails to timely object to interrogatories, production requests or other discovery efforts. See, *In re U.S.*, 864 F.2d 1153, 1156 (5th Cir.), *reh'g denied*, 869 F.2d 1487 (5th Cir. 1989); *Godsey v. U.S.*, 133 F.R.D. 111, 113 (S.D. Miss. 1990.)

² These same facts show that the defendants' actions are not substantially justified and that there are no circumstances which would make an award of expenses unjust.

serve substantive answers to the defendant's Interrogatories and produce for inspection and copying all documents responsive to the defendant's Requests for Production of Documents, without objections, within ten days. Pursuant to Rule 37(a)(5)(A), the plaintiff is also ordered to pay to the defendant, within ten days, reasonable expenses in the amount of \$250.00.

Baton Rouge, Louisiana, February 17, 2011.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE