

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

**VERONICA PETERS**

**CIVIL ACTION**

**VERSUS**

**NUMBER 10-698-BAJ-DLD**

**STATE FARM FIRE AND CASUALTY  
COMPANY**

**ORDER**

This matter is before the court on a referral from the district court on defendant's motion to compel responses to discovery (rec. doc. 9), filed herein on April 27, 2011. According to Local Rule 7.2, any opposition to this motion was required to be filed within twenty-one (21) days after service. Plaintiff's response to the motion was due May 18, 2011, but as of May 24, 2011, the court has not received such response.

Defendant stated that it propounded discovery to plaintiff on November 1, 2010, but acknowledged that plaintiff's response to the discovery was not due until March 17, 2011, as a scheduling order was not issued in this matter until February 15, 2011.<sup>1</sup> Defendant also stated that a discovery conference was held on March 28, 2011 (rec. doc. 9-1, pg. 2), and plaintiff agreed to provide responses by April 11, 2011. However, no responses have been received by defendant to date.

In light of 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 **June 24, 2011**. No attorneys' fees are

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<sup>1</sup>This court requires that any meeting of the parties prior to the scheduling conference be held in time to permit the report of the meeting to be filed with the court no later than two days prior to the date of the scheduling conference. Local Rule 26.2. Further, under F.R.C.P. 26(d), a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). Thus, any discovery request propounded before the meeting of the parties is premature, and the requests would not be ripe for response until after the filing of the status report in accordance with Local Rule 26.2.

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 May 25, 2011.



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**MAGISTRATE JUDGE DOCIA L. DALBY**