

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MELCHEZIDECK SIMON

CIVIL ACTION

VERSUS

NUMBER 12-591-BAJ-SCR

TURNER INDUSTRIES GROUP,
LLC, ET AL

RULING MOTION FOR DISCOVERY SANCTIONS

Before the court is defendants' Motion for Discovery Sanctions. Record document number 17. The motion is opposed.¹

Defendants Turner Industries Group, LLC and Turner Industrial Maintenance, LLC seek sanctions for the plaintiff's failure to comply with the Ruling on Motion to Compel Discovery issued April 10, 2013.² The Ruling required the plaintiff to produce for inspection and copying all documents responsive to the defendants' requests for production, without objections, within 14 days after the Ruling. Plaintiff had produced some documents already, but the documents which were the focus of the Ruling are those documents the plaintiff said he had provided to his former attorneys. Plaintiff failed to produce any additional documents in response to the Ruling, nor did he communicate with the defendants' attorney about the status of his request for such documents from his former attorneys.

¹ Record document number 17.

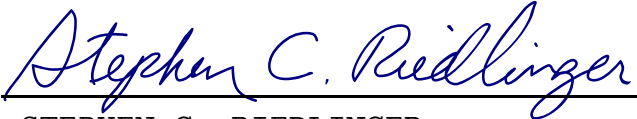
² Record document number 16.

In his opposition memorandum, plaintiff stated that the plaintiff has confirmed with his former attorneys that they have no additional documents to produce which the defendants do not already have. Plaintiff's former attorneys advised that the only documents they have in the plaintiff's client file are the plaintiff's EEOC Charge of Discrimination and the EEOC Notice of Right to Sue.³

It is now clear that the plaintiff has provided to the defendants all documents he has which are responsive to the Defendants' First Request for Production of Documents to Melchezideck Simon.⁴ Plaintiff is reminded that he has an ongoing obligation to timely amend his discovery responses, as required under Rule 26(e), Fed.R.Civ.P., if he discovers additional responsive documents. The failure to do may result in the plaintiff being prohibited from relying on such documents to supply evidence on a motion or at trial, and/or the imposition of other sanctions, as provided under Rule 37(c), Fed.R.Civ.P.

Accordingly, the defendants' Motion for Discovery Sanctions is denied.

Baton Rouge, Louisiana, June 6, 2013.


STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

³ Record document number 17-1, Opposition to Motion for Discovery Sanctions, Exhibit 1.

⁴ Record document number 8-2, Exhibit A, pp. 11-21.