

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FELDER'S COLLISION PARTS, INC.

CIVIL ACTION

VERSUS

NUMBER 12-646-JJB-SCR

GENERAL MOTORS COMPANY, ET AL

RULING ON MOTION TO COMPEL DISCOVERY

Before the court is a Motion to Compel Responses to Requests for Production of Documents filed by plaintiff Felder's Collision Parts, Inc. Record document number 43. Plaintiff also filed an Ex Part Motion for Expedited Consideration of Motion to Compel Responses to Requests for Production of Documents. Record document number 44. The motions are not opposed.

Plaintiff filed this motion on August 2, 2013 to compel defendants All Star Advertising Agency, Inc., All Star Chevrolet North, L.L.C., and All Star Chevrolet, Inc., to produce their responses to Requests for Production of Documents and Second Set of Requests for Production of Documents which were served on May 28 and 30, 2013, respectively. Plaintiff asserted that the defendants' attorney was contacted multiple times via telephone and email throughout June and July 2013 to determine when the defendants would provide their responses. Plaintiff did not receive any responses or additional correspondence after August 1, 2013 and subsequently filed this motion.

Defendants failure to respond to this motion or otherwise

furnished any information indicating when the responsive documents will be provided to the plaintiff demonstrates that an order compelling production of the requested responses is warranted under Rule 37(d)(1)(A), Fed.R.Civ.P. Defendants will be required to produce responsive documents for inspection and copying within 14 days. No objections will be allowed.¹

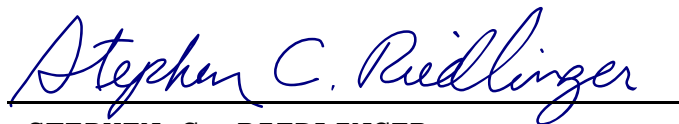
Under Rule 37(d)(3), sanctions available under Rule 37(b)(2)(A)(i)-(vi) may be imposed on a party whose conduct necessitated the motion and also requires the party failing to act to pay reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or the circumstances make an award of expenses unjust. Plaintiff's motion shows that a good faith attempt was made to obtain the responses without court action. Nothing in the record indicates that the defendants' failure was substantially justified or any circumstances that would make an award of expenses unjust. Plaintiff did not claim a specific amount of expenses incurred in filing this motion. A review of the motion and memorandum supports the conclusion that an award of \$250.00 is reasonable. Plaintiff did not seek any additional sanctions.

Accordingly, the Motion to Compel Responses to Requests for

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.)

Production of Documents filed by plaintiff Felder's Collision Parts, Inc. is granted. Defendants shall produce for inspection and copying all documents responsive to the plaintiff's Requests for Production of Documents and Second Set of Requests for Production of Documents, without objections, within 14 days. Pursuant to Rule 37(d)(3), the defendants are ordered to pay to the defendants, within 14 days, reasonable expenses in the amount of \$250.00. Plaintiff's Ex Part Motion for Expedited Consideration of Motion to Compel Responses to Requests for Production of Documents is denied as moot.

Baton Rouge, Louisiana, August 27, 2013.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE