

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

**IN RE: STEPHEN HARPER AS OWNER
OF THE M/Y HOLLAND'S ISLAND**

CIVIL ACTION

NUMBER: 15-157-JWD-RLB

ORDER

Before the court is a Motion to Compel Discovery (R. Doc. 30) filed by the Petitioner/Third-Party Defendant Stephen Harper and Third-Party Defendant American Reliable Insurance Company (collectively "Movants") on October 28, 2015. The certificate of service attached to this motion indicates that it was mailed by Federal Express to Third-Party Defendant Brenton Sherwood's residence as provided on the docket sheet. Based upon Movant's representations and the approaching discovery deadlines, the court ordered Mr. Sherwood to file a response, if any, to the Motion to Compel on or before November 9, 2015. (R. Doc. 32). Mr. Sherwood, who is proceeding *pro se*, has not filed an opposition as of the date of this Order. Accordingly, the motion is unopposed.

Movants represent that Mr. Sherwood has not provided initial disclosures in this action. (R. Doc. 30-1 at 2).¹ Movants further represent that on September 11, 2015, Mr. Harper served interrogatories and requests for production of documents, by U.S. mail, on Mr. Sherwood. (R. Doc. 30-1 at 2); (R. Doc. 30-3). Movants further represent that a second set of requests for production of documents was served on Sherwood on September 15, 2015, by Federal Express to his residence. (R. Doc. 30-1 at 2); (R. Doc. 30-4). Movants represent that Mr. Sherwood has not provided responses to the discovery requests propounded on him. (R. Doc. 30-1 at 2). Movants represent that they have attempted to schedule a Rule 37 discovery conference with Mr.

¹ The deadline to provide initial disclosures was September 1, 2015. (R. Doc. 26).

Sherwood by letter and by phone, but to no avail. (R. Doc. 30-1 at 2); (R. Doc. 30-5); (R. Doc. 30-6).

Mr. Sherwood has not opposed this motion or otherwise filed an indication in the record that the responses have been provided.

If a party fails to respond fully to discovery requests made pursuant to Rule 33 and 34 in the time allowed by the Federal Rules of Civil Procedure, the party seeking discovery may move to compel responses pursuant to Rule 37. Fed. R. Civ. P. 37(a)(3)(B)(iii)-(iv).

In light of Mr. Sherwood's failure to provide initial disclosures or respond to Mr. Harper's discovery requests, or provide initial disclosures, the court will require Mr. Sherwood to provide his initial disclosures and complete responses to the discovery requests, without objections,² no later than **14 days** from the date of this Order.

For the foregoing reasons,

IT IS ORDERED that the Motion to Compel is **GRANTED**, and Mr. Sherwood must provide his initial disclosures and complete responses to the discovery requests no later than **14 days** from the date of this Order.

² As Mr. Sherwood did not make any timely objections, the court finds that he has waived his objections to the discovery requests, with the exception of those pertaining to any applicable privileges, immunities, or other protections from disclosure. *See In re United States*, 864 F.2d 1153, 1156 (5th Cir. 1989) (“[A]s a general rule, when a party fails to object timely to interrogatories, production requests, or other discovery efforts, objections thereto are waived.”); *B&S Equip. Co. v. Truckla Servs., Inc.*, No. 09-3862, 2011 WL 2637289, at *6 (E.D. La. July 6, 2011) (finding waiver of all objections to “discovery requests based on relevance, unduly burdensome, over broad, or any other objection not grounded on the attorney client or the work product privilege.”).

Mr. Sherwood is further advised that failure to comply with this Order, or any other orders of the Court, may include any and all sanctions permitted under the law, including rendering a judgment against him.

Signed in Baton Rouge, Louisiana, on December 15, 2015.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE