

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DEVORA KNIGHT, ON BEHALF OF HER
MINOR CHILDREN, LAMOND
ROBINSON, MONTRELL ROBINSON,
ANDREW CAPLING, AND TALER
MATLOCK.

CIVIL ACTION

NUMBER 15-414-JJB-EWD

VERSUS

NISSAN NORTH AMERICA, INC., ET AL.

RULING MOTION TO COMPEL

Before the court is a Motion to Compel filed by defendant, Nissan North America, Inc. Record document number 11. No opposition has been filed.

Defendant filed this motion on November 4, 2015 asserting that it had not received any responses to its discovery requests from plaintiff Devora Knight, on behalf of her minor children, Lamond Robinson, Montrell Robinson, Andrew Capling, and Taler Matlock. At a status conference held on December 8, 2015, the defendant acknowledged receipt of the plaintiff's discovery responses and was given 14 days to review the plaintiff's responses, confer with counsel for the plaintiff regarding any perceived deficiencies, and file a supplemental memorandum in support of the motion to address any unresolved issues.¹ Defendant did not file a supplemental memorandum asserting the responses were substantively deficient. Therefore, the court concludes that motion is now moot.


Because the responses were provided after the motion was filed, an award of attorneys' fees pursuant to Rule 37(a)(5)(A), Fed.R.Civ.P. is warranted. Nothing in the record indicates that

¹ Record document number 14.

the plaintiff's failure was substantially justified or that there are any circumstances which would make an award of expenses unjust. Defendant 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 \$300.00 is reasonable.

Accordingly, the Motion to Compel filed by Nissan North America, Inc. is denied, in part, as moot. Pursuant to Rule 37(a)(5)(A), the plaintiff shall pay to the defendant, within 14 days, reasonable expenses in the amount of \$300.00.

Signed in Baton Rouge, Louisiana, on February 23, 2016.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE