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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

**DEBRA MARTIN,
ALVIN ANTHONY WASHINGTON,
MARCUS SAMS,
LASHONDA THOMPSON**

CIVIL ACTION NO. 08-1476

VERSUS

JUDGE HAIK

**CITY OF OPELOUSAS,
BOBBY J. GUIDROZ, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,
PERRY GALLOW, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,
DON CRAVINS,
POLICE DEPT. CITY OF OPELOUSAS,
MIKE HIDALGO, CAPTAIN,
CLINTON DARDEN,
RONALD PAPILLION,
MIKE POTER,
DEON BOUDREAUX,
BRYAN LAFLEUR,
DERRICK MILES,
JARAD GREENE**

MAGISTRATE JUDGE HANNA

RULING ON MOTION TO COMPEL DISCOVERY
(Rec. Doc. 78)

Before the court is defendants' Sheriff Bobby J. Guidroz, Captain Mike Hidalgo, Detective Bryan LaFleur, Detective Derrick Miles, Agent Jarad Greene, Agent Clinton Darden, Detective Ronald Papillion, Detective Mike Poter, and Detective Deon Boudreaux's Motion to Compel Discovery. The motion is unopposed.

According to defendants, plaintiffs were served with interrogatories and requests

for production of documents on or about September 10, 2009. A discovery conference was held on November 11, 2009, and plaintiff stated discovery responses would be forthcoming. However, no responses were received.

Any opposition to the motion to compel was due 21 days from the date of the notice of motion setting on December 16, 2009, or by January 7, 2010. To date, no opposition has been filed. Defendants ask for an order directing plaintiffs to provide responses, and for reasonable attorneys' fees and expenses incurred in filing the motion.

Federal Rules of Civil Procedure Rule 37 allows a party to file a motion to compel, and if motion is granted, provides in pertinent part as follows:

If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing). If the motion is granted — or if the disclosure or requested discovery is provided after the motion was filed — the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

(i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;

(ii) the opposing party's nondisclosure, response, or objection was substantially justified; or

(iii) other circumstances make an award of expenses unjust.
Fed. R. Civ. P. Rule 37(a)(5)(A).

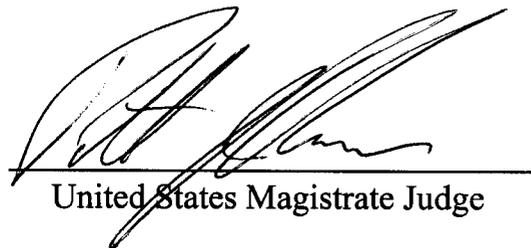
The plaintiff has been given an opportunity to be heard, but has filed no opposition to the motion. Therefore,

IT IS ORDERED that defendants' Motion to Compel Discovery (rec. doc. 78) is

GRANTED as follows:

- 1) Plaintiffs shall respond to the propounded discovery within 14 days of the date of this Order;
- 2) Defendants shall be granted reasonable attorney's fees and expenses incurred in filing the motion, up to \$500.00;
- 3) Defendants shall file their motion for attorney's fees and expenses within 14 days of the date of this order, or the request shall be considered waived;
- 4) Oral argument set for Wednesday, January 27, 2010, is **CANCELED**.
- 4) Any other requested relief is **DENIED**.

Lafayette, Louisiana, this 25th day of January, 2010.



United States Magistrate Judge