

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MONICA REDMOND-NIEVES,  
Plaintiff,

v.

OKUMA AMERICA CORP., et al.  
Defendants.

**CIVIL ACTION  
NO. 16-12216-TSH**

**ORDER**

**July 18, 2018**

Hennessy, M.J.

By Order of Reference dated June 27, 2018, pursuant to 28 U.S.C. § 636(b)(1)(A) (Docket #47), this matter was referred to me for a ruling on Plaintiff Monica Redmond-Nieves' Motion to Compel (Docket #36). In its opposition to the motion, Defendant Robert E. Morris Company, LLC has indicated that no request for the discovery sought in the motion to compel was properly served upon Defendants. (Docket #40 at 3).

Pursuant to Federal Rule of Civil Procedure 37(a)(3)(B), "a party seeking discovery may move for an order compelling an answer, designation, production, or inspection."<sup>1</sup> This motion may be made where:

- (i) a deponent fails to answer a question asked under Rule 30 or 31;
- (ii) a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a)(4);
- (iii) a party fails to answer an interrogatory submitted under Rule 33; or

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<sup>1</sup> A party may also move to compel disclosure if another party fails to make a disclosure required by Federal Rule of Civil Procedure 26(a). Fed. R. Civ. P. 37(a)(3)(A).

(iv) a party fails to produce documents or fails to respond that inspection will be permitted – or fails to permit inspection – as requested under Rule 34.

Id. Based on Plaintiff's description of the financial information she seeks, the court presumes that the appropriate discovery mechanism would be a request for production pursuant to Federal Rule of Civil Procedure 34. Rule 34 allows a party to serve on any other party a request to produce designated documents or electronically stored information or any designated tangible things. Fed. R. Civ. P. 34(a)(1).

Plaintiff is hereby directed to demonstrate that she timely served on Defendants a request for the discovery that she now seeks to compel. By **5:00 pm on Friday, July 20, 2018**, Plaintiff shall file a copy of the subject requests and the responses thereto in compliance with Local Rule 37.1(b)(4). Alternatively, if Plaintiff failed to serve such discovery requests, Plaintiff shall file a declaration with the court to that effect.

/S/ David H. Hennessy  
David H. Hennessy  
UNITED STATES MAGISTRATE JUDGE