

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBORAH WAHLSTROM,

Plaintiff,

No. 15-14113

v.

District Judge Denise Page Hood
Magistrate Judge R. Steven Whalen

JASON MONK, ET AL.,

Defendants.

ORDER

On June 9, 2016, Plaintiff filed a Motion to Compel Defendants' Response to Plaintiff's First Set of Interrogatories and Requests to Produce [Doc. #17], which has been referred for hearing and determination under 28 U.S.C. § 636(b)(1)(A).

Plaintiff served the disputed discovery request on Defendants on April 20, 2016, and states that as of the date of filing this motion, she has not received a response. Defendants have not filed a response to this motion, and Plaintiff has not informed the Court that the discovery dispute has been resolved. I therefore consider this motion unopposed.

Responses to interrogatories and document requests are due 30 days after service. Fed.R.Civ.P. 33(b)(2), 34(b)(2)(A). "As a general rule, failure to object to discovery requests within the thirty days provided by Rules 33 and 34 'constitutes a waiver of any objections.'" *Carfagno v. Jackson Nat'l Life Ins. Co.*, 2001 WL 34059032, *1 (W.D. Mich. 2001)(quoting *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992); see also *Jagiello v. Van Dyke Public Schools*, 2010 WL 259053, *2 (E.D. Mich. 2010)("Plaintiff has waived any claim of privilege as the result of her failure

to timely assert a privilege-based objection to the Defendants' document request"); Fed.R.Civ.P. 33(b)(4)("Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure").

Accordingly, Plaintiff's Motion to Compel [Doc. #17] is GRANTED. Defendants will respond substantively (objections having been waived) to Plaintiff's First Set of Interrogatories and Requests to Produce within seven days of the date of this Order.

Plaintiff also seeks attorney fees and costs related to bringing this motion.

Fed.R.Civ.P. 37(a)(5)(A) provides:

"If the motion [to compel discovery] 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."

Of course, Defendants had the opportunity to be heard on the issue of attorney's fees, but failed to file a response to the Plaintiff's motion that requested the same. I consider \$500.00 to represent a reasonable attorney's fee for preparing and filing this motion, which I have decided without oral hearing. This sanction is assessed against all Defendants, jointly and severally, and will be paid to Plaintiff's counsel within 14 days of the date of this Order.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
United States Magistrate Judge

Dated: June 30, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 30, 2016, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager