

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STAFFORD DYER, III,

Plaintiff,

v.

Case No. 2:16-cv-13660

District Judge George Caram Steeh

Magistrate Judge Anthony P. Patti

LJI ROSS ASSOCIATES,
INC.,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL AS
UNOPPOSED (DE 6) AND SETTING SHOW CAUSE HEARING**

This matter is before the Court for consideration of Defendant's March 1, 2017 motion to compel Plaintiff to provide complete responses to discovery requests and appear for his previously noticed deposition. Defendant served Plaintiff with its Interrogatories and Requests for Production of Documents on January 19, 2017, along with a notice of deposition, scheduled for February 24, 2017. (DE 6 at 3-4.) On February 22, 2017, Plaintiff indicated that he "had not decided" if he would attend his deposition. On that call, counsel informed Plaintiff that he could mail his responses in the pre-paid envelope sent with the requests or bring them to his deposition. Later that day, Plaintiff informed counsel that he would not attend the deposition or respond to the discovery requests. (DE 6-3.) In addition to an order requiring Plaintiff to attend his deposition and respond to the

discovery requests, Defendant asks the Court to extend discovery by 30 days and award costs associated with filing the motion pursuant to Federal Rule of Civil Procedure 37.

Under Eastern District of Michigan Local Rule 7.1(e)(2)(b), Plaintiff's response in opposition was due fourteen days after the motion was served, or March 16, 2017. To date, no response has been filed. Accordingly, Defendant's motion is **GRANTED AS UNOPPOSED**. (DE 6.) Plaintiff is ordered to provide complete responses to Defendant's discovery requests **ON OR BEFORE APRIL 4, 2017** and to appear for a deposition at a time and date of Defendant's choosing, but to take place before **APRIL 18, 2017**. The scheduling order will be revised as follows:

- Discovery shall be completed **ON OR BEFORE MAY 1, 2017**.
- Dispositive motions shall be filed **ON OR BEFORE JUNE 1, 2017**.

The remainder of the current scheduling order is vacated and the dates for the final pretrial conference and trial will be set at a later date. (DE 3.)

Finally, pursuant to Rule 37, where a motion to compel is granted, the Court "must, after giving an opportunity to be heard, require the party . . . whose conduct necessitated the motion . . . to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5)(A).

Plaintiff is therefore **ORDERED** to show cause as to why the Court should not

award costs in this matter. Further, if Plaintiff fails to provide discovery responses and/or again refuses to appear for his deposition, he must be prepared to show cause as to why this Court should not dismiss his case for failure to prosecute. Plaintiff must appear in person for the show cause hearing on **WEDNESDAY, APRIL 26 at 10:00 A.M.**, at the United States District Court, Theodore Levin U.S. Courthouse, 231 W. Lafayette Boulevard, Room 624, Detroit, Michigan.

IT IS SO ORDERED.

Dated: March 23, 2017

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 23, 2017, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager to the
Honorable Anthony P. Patti