

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELIZABETH HOUSEY,

Plaintiff,

No. 16-14302

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Defendant.

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**ORDER**

On September 8, 2017, Defendant filed a motion to compel discovery [Doc. #9], stating that Plaintiff has not responded to interrogatories and document requests, and has not provided a date for her deposition.

Plaintiff has not responded to Defendant's motion, although the time for doing so has passed. In addition, because more than 30 days have passed since Defendant served its discovery requests on April 27, 2017, Plaintiff has waived any objections. *See Jagielo v. Van Dyke Public Schools*, 2010 WL 259053, \*2 (E.D. Mich. 2010); Fed.R.Civ.P. 34(b). Therefore, this motion is deemed unopposed.

Accordingly, Defendant's motion to compel [Doc. #9] is GRANTED.<sup>1</sup>

No later than 21 days from the date of this Order, Plaintiff will serve responses to Defendant's First Set of Interrogatories and Requests for Production of Documents, and sign and return to Defendant's counsel the requested authorizations for release of medical

<sup>1</sup> Defendant also requests that Plaintiff submit to an independent medical examination ("IME") under Fed.R.Civ.P. 35. That request is not properly before the Court in the context of the present motion.

records. Plaintiff will also provide a firm date for her deposition, and that deposition will be conducted no later than 30 days from the date of this Order.

Discovery is extended 30 days from the date of this Order, solely for the purpose of compliance with this Order.

Pursuant to Fed.R.Civ.P. 37(a)(5), Plaintiff will pay Defendant's attorney in the amount of \$500.00.<sup>2</sup>

Plaintiff's failure to comply with this Order or with other discovery orders or proper discovery requests may result in additional sanctions, including dismissal of the complaint.

IT IS SO ORDERED.

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2017

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 30, 2017, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen

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<sup>2</sup> Rule 37(a)(5) provides that where a party fails to answer discovery requests, and a motion to compel is granted, "the court must, after giving an opportunity to be heard, require the party...to pay the movant's reasonable attorney's fees." Plaintiff had the opportunity to be heard by filing a response to the Defendant's motion (which included a request for attorney fees), but did not do so.

