

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**PERRY PARKER**

**PLAINTIFF**

**VS.**

**CAUSE No.: 4:11cv95-GHD-JMV**

**PROTEIN PRODUCTS**

**DEFENDANT**

**ORDER**

This matter is before the court on motion of the defendant to compel sufficient responses to defendant's first set of interrogatories and request for production (# 18). The plaintiff has not filed a response to the motion. With its motion, the defendant provides that:

1. On February 1, 2012 this court entered a case management order setting a discovery deadline of August 1, 2012 and a motions deadline of August 15, 2012. Included in that order, the court instructed plaintiff to execute and supply defendant with a waiver of medical privilege, due to plaintiff's emotional distress and damages claims.
2. On February 13, 2012 the defendant served plaintiff with first set of interrogatories and requests for production of documents, including medical releases addressed in the case management order.
3. On March 26, 2012 defense counsel wrote plaintiff's counsel requesting responses to interrogatories and requests for production. Two days later, plaintiff's counsel responded by e-mail stating he would send responses by mid-April 2012, making them a month overdue. Plaintiff's counsel never requested an extension of time.
4. On April 16, 2012 defense counsel sent a second letter requesting responses to the first set of interrogatories and requests for production. In response to this letter, on April 20, 2012, plaintiff's counsel contacted the defense and requested a two week extension, to

which defense counsel agreed, up to and including May 2, 2012.

5. On May 1, 2012 plaintiff's counsel contacted the defense to request a Word version of the discovery requests and defense counsel complied.
6. On May 3, 2012 plaintiff's counsel e-mailed responses to the interrogatories but did not include any documents related to the case. Defense counsel challenges that responses to requests for production 1-4, 6-11, 13-17, 19, 23 and 24 and that responses to Interrogatories 5, 7, 8, 12, 13, 15, 16, and 20 are insufficient, non-responsive and evasive. After reviewing the responses, the court agrees.

IT IS, THEREFORE, ORDERED that the defendant's motion to compel is **GRANTED**. The plaintiff is hereby ordered to provide sufficient responses to the discovery requests detailed in the defendants' motion by June 1, 2012.

IT IS FURTHER ORDERED that pursuant to Rule 37(b)(2)(C), the plaintiff will pay to the defendant the reasonable expenses, including attorney's fees caused by his failure to comply with an order of the court and his failure to respond to the discovery propounded. The defendant will provide to the court a detailed explanation of the costs, expenses, and fees incurred as a result of filing the present motion.

**SO ORDERED** this 23<sup>rd</sup> day of May 2012.

/s/Jane M. Virden  
U.S. MAGISTRATE JUDGE