

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTINE NEWLIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV1458 HEA
)	
GOJET AIRLINES, L.L.C.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

Now before the Court is defendant GoJet Airlines, L.L.C.'s motion for fees [Doc. #17]. Plaintiff Christine Newlin failed to respond to the motion, and the time for her to do so has expired. Accordingly, the motion is now ripe for disposition.

On December 28, 2010, the Court granted defendant's motion to compel plaintiff to respond to defendant's written discovery requests. Pursuant to Rule 37(a), the Court must award attorney's fees in conjunction with an order compelling discovery responses unless the movant filed the motion before attempting in good faith to obtain the discovery without court action, the nonmovant's position was substantially justified, or an award of fees would otherwise be unjust. Fed. R. Civ. P. 37(a)(5)(A). The Court previously found that movant attempted in good faith to obtain the discovery without court action, and after allowing plaintiff an opportunity to be heard, plaintiff has not offered any justification for her failure to respond to discovery and has not presented any circumstances that would make an award of fees unjust. Accordingly, the Court must grant defendant's request for attorney's fees.

Defendant has submitted evidence of the attorney's fees incurred in making its motion

in the form of its attorney's affidavit. Doc. #17-1. Defendant's attorney testifies that he and his associate billed defendant \$396.00 in connection with the motion to compel and the motion for fees. The Court finds that the \$396.00 in fees incurred in making these motions are reasonable.

For the above stated reasons,

IT IS HEREBY ORDERED that defendant GoJet Airlines, L.L.C.'s motion for fees [Doc. #17] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff Christine Newlin and her attorney Jerald A. Hochshtein are hereby ordered to pay defendant GoJet Airlines, L.L.C.'s attorney's fees in the amount of \$396.00.

Dated this 24th day of February, 2011.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE