

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>GLORIA RODGERS,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:10CV46</b>
	)	
<b>V.</b>	)	
	)	
<b>DATA TRANSMISSION</b>	)	<b>ORDER</b>
<b>NETWORK, CHRIS</b>	)	
<b>WHITTINGHILL, and SHERI</b>	)	
<b>WASHBURN,</b>	)	
	)	
<b>Defendants.</b>	)	

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Defendants have filed a motion requesting that the Court compel Plaintiff to respond to Defendants' Second Set of Interrogatories and Second Set of Requests for Production of Documents ([filing 65](#)), which were served on August 1, 2011. Plaintiff has objected to the motion, arguing only that no responses are due because Defendants have exceeded the permissible number of interrogatory requests.

The record before the Court indicates that Plaintiff has failed to provide any responses to Defendants' second set of discovery requests and, before submission of her brief opposing this motion, failed to assert any objections to the requests, written or otherwise.<sup>1</sup> By failing to respond to Defendants' discovery requests, Plaintiff has waived all objections to these requests. See [Hawkins v. Inserra, No. 8:07CV368, 2009 WL 1740590, at \\*1 \(D. Neb. June 16, 2009\)](#) ("by failing to respond to plaintiff's discovery requests, [defendant] has waived all objections to these discovery requests.") Accordingly, Defendants' motion to compel will be granted.

Furthermore, by or before December 19, 2011, Plaintiff shall show cause why

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<sup>1</sup> Plaintiff appears to argue that she did, in fact, respond to Defendants' second set of discovery requests. However, other than an email sent by Plaintiff's counsel to defense counsel stating that "supplemental answers" are enclosed, Plaintiff has not provided any evidence indicating that she did respond to the requests or assert objections prior to responding to this motion.

sanctions should not be imposed. [Fed. R. Civ. P. 37\(a\)\(5\)\(A\)](#) provides that if a motion to compel discovery is granted, sanctions must be awarded to the moving party absent a showing of good cause for the non-disclosure by the opposing party. A party against whom a motion to compel is enforced may only avoid payment of sanctions by demonstrating that its position is substantially justified, or that other circumstances make an award of expenses unjust. *Id.* The Court shall, after giving Plaintiff a chance to respond, grant Defendants reasonable expenses for filing their motion to compel, unless Plaintiff shows substantial justification for her failure to provide responses.

**IT IS ORDERED:**

1. Defendants' motion to compel ([filing 65](#)) is granted.
2. Plaintiff shall produce the documents and information responsive to Defendants' Second Set of Interrogatories and Second Set of Requests for Production of Documents on or before December 19, 2011.
3. On or before December 19, 2011, Plaintiff shall file a response to this Order showing cause why Defendants should not be awarded reasonable costs and attorney's fees incurred in bringing this motion to compel.

**DATED December 7, 2011.**

**BY THE COURT:**

**S/ F.A. Gossett  
United States Magistrate Judge**