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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 COLE GUSTIN, by and through DOROTHY  
8 KYLE and JOSEPH KYLE, Guardians Ad Litem, )

9 Plaintiff, )

10 vs. )

11 PLANO MOLDING COMPANY, et al., )

12 Defendants. )

Case No. 2:14-cv-00700-RCJ-CWH

**ORDER**

13 Presently before the Court is Third-Party Plaintiff Dorskocil Manufacturing Company's  
14 ("Dorskocil") Motion to Compel Supplementary Discovery Responses from Third-Party Defendant  
15 Carmen Gustin (ECF No. 159), filed on April 28, 2016. Third-Party Defendant Carmen Gustin did  
16 not file a response, which was due May 16, 2016.

17 In its motion, Dorskocil requests that Ms. Gustin supplement her response to Interrogatory 2  
18 of Dorskocil's First Set of Interrogatories, which requested the address and telephone number of Ms.  
19 Gustin's son, Spenser Chaney Gustin. (Mot. to Compel (ECF No. 159) at 2.) Although Ms. Gustin  
20 responded that she did not know Spenser's address or telephone number, Dorskocil represents that it  
21 believes Ms. Gustin provided that information to Dr. Loong, Plaintiff Cole Gustin's  
22 neuropsychological expert, because Dr. Loong testified at his deposition that he spoke to Spenser on  
23 the telephone on March 27, 2016. (*Id.* at 3.) In its motion, Dorskocil describes the unsuccessful  
24 attempts that it made to meet and confer with Ms. Gustin's former attorney regarding this dispute.  
25 (*Id.*) Dorskocil requests that the Court compel Ms. Gustin to supplement her answer to Interrogatory  
26 2 with any information she has about Spenser's address, location, or contact information. (*Id.* at 5.)  
27 It further requests that the Court order Ms. Gustin to pay the costs and fees that Dorskocil incurred in  
28 bringing this motion. (*Id.* at 4, 6.)


1 Given that Ms. Gustin did respond to the motion, the Court will grant the motion as  
2 unopposed. *See* Local Rule 7-2(d) (stating that the “failure of an opposing party to file points and  
3 authorities in response to any motion . . . constitutes a consent to the granting of the motion.”). For  
4 the reasons stated in the motion, the Court will order Ms. Gustin to supplement her response to  
5 Interrogatory 2. *See* Fed. R. Civ. P. 26(e)(1) (requiring a party who has responded to an  
6 interrogatory to supplement or correct its response if the party learns that the response is incomplete  
7 or incorrect, or as ordered by the court). Additionally, the Court will order Ms. Gustin to pay the  
8 reasonable attorney’s fees and costs incurred by Daskocil in having to bring the motion. *See* Fed. R.  
9 Civ. P. 37(a)(5)(A) (stating that if a motion to compel is granted, the court must require the party  
10 whose conduct necessitated the motion “to pay the movant’s reasonable expenses incurred in making  
11 the motion, including attorney’s fees.”).

12 IT IS THEREFORE ORDERED that Third-Party Plaintiff Daskocil Manufacturing  
13 Company’s (“Daskocil”) Motion to Compel Supplementary Discovery Responses from Third-Party  
14 Defendant Carmen Gustin (ECF No. 159) is GRANTED.

15 IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Defendant Carmen Gustin  
16 must supplement her response to Daskocil’s Interrogatory 2 with any information she has about  
17 Spenser Gustin’s address, location, or contact information.

18 IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Plaintiff Daskocil  
19 Manufacturing Company and Third-Party Defendant Carmen Gustin must meet and confer regarding  
20 the amount of reasonable attorney’s fees and costs that Ms. Gustin will pay to Daskocil to  
21 compensate Daskocil for having to bring this motion.

22 DATED: June 23, 2016

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25 C.W. Hoffman, Jr.  
26 United States Magistrate Judge  
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