

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN HOGAN,

Plaintiff,

-against-

ALPHA RECOVERY CORP., et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's motion dated October 28, 2013, seeking to compel the defendants to respond to his discovery requests. According to the plaintiff, the defendants were served with a Request for Production of Documents, Interrogatories and Requests for Admissions on September 17, 2013. On or about October 17, 2013, counsel for the defendants requested an adjournment of the defendants' depositions scheduled for October 17, 2013, and indicated that the defendants would provide responses to the requests by October 28, 2013. On October 21, 2013, the defendants provided one document and three audio recordings, but failed to respond to the balance of the requests. The defendants have also failed to respond to this application. Accordingly, the motion to compel is granted, in part.

Any outstanding responses must be served on the plaintiff by November 19, 2013. The defendants' failure to respond to the requests by that date may result in a waiver of all objections as to the interrogatories and all objections to the document demands except those based on privilege. The plaintiff's request to have the unanswered requests to admit deemed admitted is denied as unnecessary as that is the automatic result of a failure to timely respond. The plaintiff's request for sanctions is denied at this time.

Dated: Central Islip, New York
November 5, 2013

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge