

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:17-CV-00008-D

Gordon Barclift, Jr.,

Plaintiff,

v.

**Sentara Albemarle Regional Medical
Center, LLC,**

Defendant.

Order

This matter is before the court on Defendant's Motion to Compel Discovery Responses and Initial Disclosures. D.E. 16. After consideration of the Motion, and any response from Plaintiff, the court makes the following:

FINDING OF FACTS

1. On June 27, 2017, defendant propounded its First Set of Interrogatories and First Request for Production of Documents to plaintiff, which are attached to defendant's Motion as Exhibits A and B, respectively.
2. Plaintiff's responses to defendant's first set of discovery was due on or before July 31, 2017.
3. Plaintiff's Initial Disclosures were due on or before June 22, 2017.
4. Plaintiff has completely failed to serve his Initial Disclosures and has completely failed to object to or respond to Defendant's First Set of Interrogatories or its First Request for Production of Documents.
5. On August 8, 2017, Defendant's counsel wrote Plaintiff reminding Plaintiff of his obligation to provide discovery responses. A true copy of that letter is attached to Defendant's Motion as Exhibit C.
6. Plaintiff failed to respond to Defendant's counsel's letter at any time.
7. Defendant's counsel called plaintiff at least two times after plaintiff failed to respond to Defendant's first set of discovery. Plaintiff failed to return all of the calls by Defendant's counsel.
8. On June 27, 2017, and again on August 8, 2017, Defendant's counsel requested available dates from Plaintiff to provide a deposition in Elizabeth City, North

Carolina. True copies of the correspondence by which Defendant's counsel requested these dates are attached to Defendant's Motion as Exhibits C and D.

9. Plaintiff has completely failed to respond to either letter by Defendant's counsel and has completely failed to offer any date on which he can appear in Elizabeth City, North Carolina for a deposition.
10. Defendant has made a good faith effort to confer with Plaintiff and to obtain the discovery sought without court action. Plaintiff has failed to reciprocate Defendant's efforts to resolve this discovery dispute, and has failed to participate in discovery, without excuse.

Based upon the foregoing findings of fact and conclusions of law, and in the court's discretion, Defendant's Motion to Compel Discovery Responses and Initial Disclosures (D.E. 16) is GRANTED. Further, it is hereby ORDERED as follows:

1. Plaintiff shall provide responses to defendant's First Set of Interrogatories and First Request for Production of Documents within 15 days from the date of this Order.
2. Plaintiff shall serve his Initial Disclosures under Rule 26(a) of the Federal Rules of Civil Procedure within 15 days from the date of this Order.
3. Plaintiff shall provide Defendant's counsel with dates when he can make himself available for a deposition in Elizabeth City, North Carolina, which deposition shall be held within 30 days after Plaintiff has provided the responses to Defendant's first set of discovery and Plaintiff's Initial Disclosures as required by this Order.
4. The Scheduling Order entered in this case is hereby modified to allow Defendant to take Plaintiff's deposition by no later than November 10, 2017, if necessary, to allow Defendant adequate time to obtain and review Plaintiff's responses to Defendant's first set of discovery requests and Plaintiff's initial disclosures.
5. Plaintiff is warned that his failure to comply with this Order may lead to the imposition of sanctions, which may include dismissal of his complaint.

Dated: September 26, 2017.



ROBERT T. NUMBERS, II
UNITED STATES MAGISTRATE JUDGE