

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17 cv 104**

**RONALD WAYNE SPANN,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **NORTH CAROLINA DEPARTMENT** )  
 **OF PUBLIC SAFETY, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

Pending before the Court is the Motion to Compel Plaintiff’s Initial Disclosures [# 41]. The Court finds that Defendant Uhren has established good cause for relief under Federal Rule of Civil Procedure 37.

On September 19, 2017, the Court entered a Pretrial Order. In that order, initial disclosures were given the due date of October 4, 2017. On October 4, 2017, Defendant Uhren and Co-defendants all served initial disclosures on Plaintiff. Plaintiff failed to provide initial disclosures. On October 11, 2017, Co-defendants emailed Plaintiff regarding the initial disclosures. Plaintiff failed to provide initial disclosures. On October 16, 2017, Defendant Uhren and Co-Defendants contacted Plaintiff asking for initial disclosures by October 20, 2017. On October 20, 2017, Plaintiff called Defendant Uhren and Co-defendants and stated that initial

disclosures would be provided on October 23, 2017. Defendant Uhren sent a confirmation email. On October 23, 2017, Plaintiff failed to provide initial disclosures. On October 24, 2017, Co-defendants again emailed Plaintiff to try and resolve the matter. Plaintiff did not reply.

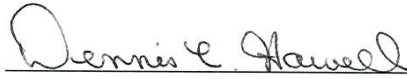
On November 8, 2017, Plaintiff's response was due for Defendant's Motion to Compel [# 41]. Plaintiff failed to respond.

Therefore, the Court **GRANTS** the motion [# 41] and Plaintiff must serve initial disclosures pursuant to Fed. R. Civ. P. 26(a) within seven (7) days from the entry of this Order.

Further, Defendant Uhren shall have fourteen (14) days from the entry of this Order to serve Plaintiff with a reasonable expenses statement, including attorneys' fees, which Defendant incurred in making this motion. If Defendant Uhren timely serves a statement, Plaintiff shall have seven (7) days from the date of service of Defendant's statement to file either (1) a Notice indicating Plaintiff's agreement to pay the claimed expenses; or (2) a Memorandum of no more than five pages explaining why Plaintiff contests the reasonableness of the claimed expenses along with a certification that he attempted a good faith effort to resolve any disagreement with Defendant Uhren over the claimed expenses. If Plaintiff files a Memorandum contesting the claimed expenses, Defendant Uhren shall have seven (7) days to file

a response of no more than five pages. Upon completion of the foregoing briefing, the Clerk may refer this matter for further action.

Signed: November 16, 2017



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Dennis L. Howell  
United States Magistrate Judge

