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CH-3035815 v3

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

THE INSPIRATIONAL NETWORK, INC.,)
)
Plaintiff,)
)
vs.)
)
TMH TELEMEDIA SERVICES LIMITED and)
TMH TELEMEDIA SERVICES, INC.,)
)
Defendants.)
)
_____)

No. 3:10-CV-110-RJC-DSC

**ORDER GRANTING
PLAINTIFF’S
MOTION TO COMPEL**

THIS MATTER is before the Court on Plaintiff The Inspirational Network, Inc.’s "Motion to Compel" (document #24). Pro se Defendant TMH Telemedia Services Limited (“TMH UK”) has not responded to the Motion and the time for filing a brief or other response has expired.¹

Having considered the filings and the pleadings, it appears to the Court that Defendant TMH UK has failed to properly, adequately, and sufficiently respond to Plaintiff’s First Set of Interrogatories and Requests for Production of Documents (“Discovery Requests”).

The Fourth Circuit has emphasized the significance of establishing a history of dilatory action and warning to the offending party of what may follow prior to imposing sanctions for failure to comply with discovery obligations. See, e.g., Hathcock v. Navistar Int’l Transp. Corp.,

¹On November 17, 2010, the Court granted Defendant TMH UK's counsel's Motion to Withdraw. See "Order" (document #27). On November 18, 2010, the Court warned Defendant that if it did not retain replacement counsel, it faced entry of default judgment. See "Order" (document #28). The time period for Defendant to retain new counsel expired December 6, 2010, but Plaintiff has yet to file a motion for entry of default judgment.

55 F.3d 36, 40 (4th Cir. 1995); Choice Hotels Int'l v. Goodwin & Boone, 11 F.3d 469, 473 (4th Cir. 1993); and Lolatchy v. Arthur Murray, Inc., 816 F.2d 951, 953 (4th Cir. 1987).

Applying those legal principles to this case, and recognizing that Defendant TMH UK has not been warned previously of the likely consequences of its failure to perform its discovery obligations, the Court will grant Plaintiff's Motion to Compel, but will withhold imposition of sanctions pending Defendant's compliance with this Order.

Accordingly, the Court warns Defendant TMH UK that any failure to respond to Plaintiff's First Set of Interrogatories and Requests for Production of Documents, or to any of Plaintiff's other reasonable discovery requests, or to otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions can include Defendant being required to pay Plaintiff's costs, including reasonable attorneys' fees, and may also include entry of default judgment.**

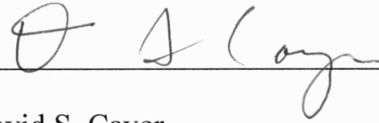
IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Compel is **GRANTED**. Defendant TMH UK shall serve supplemental written responses to each of Plaintiff's Discovery Requests and produce all of the documents requested by Plaintiff within 15 days of this Order.

2. The Clerk is directed to send copies of this Order to the pro se Defendant (c/o Stuart Freeman, Chairman, TMH Telemedia Services, Ltd., 10 St. Peters Court, Colchester, Essex, CO1 1WD); to counsel for the other parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: December 7, 2010

A handwritten signature in black ink, appearing to read "D S Cayer", written over a horizontal line.

David S. Cayer
United States Magistrate Judge

