

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

**CHARLES R. HALL, JR., JOHN O'NEILL, JR.,
TIMOTHY L. PHILLIPS, CHARLIE R.
WOOTEN, WILLIAM T. BOLIN, JEFFREY S.
BOSTON, GARY G. BOWLIN, II, RANDELL T.
BURCHAM, JOSEPH D. BURKE, JR.,
MAURICE BURRIS, RICKY L. CARPENTER,
ALVIN R. CARVER, JR., CLYDE M.
CHILDERS, TIMOLYN A. CLARK, EARL E.
CURRY, III, DARRELL E. DELLINGER,
CHARLES E. DILLING, TOMMY A.
FAULKENBURY, BEN FEWELL, JOHN H.
HALL, JR., BRODY L. HARKEY, DEANIE F.
HARKEY, DOUGLAS W. HOLT, WILLIAM D.
HOVIS, BERWYN L. JOHNSON, TERRELL
JOHNSON, KEVIN D. JONES, KELLY J.
KOWALCZYK, ARCHIE LANEY, MARCUS
LEECH, TODD LLOYD, DONNIE
LOCKLEAR, JOHN A. MCCOIG, JOHN
MOORE, RONALD A. MUSE, DAVID NEAL,
JOHN E. NORMAN, CARL PRIVETTE, JOHN
D. ROBERTS, ANTHONY J. RYALL, STEVEN
J. STAMPER, SAMUEL J. STEPHENS, JR.,
JEFF THRIFT, DANIEL L. USERY, RICHARD
A. WHITENER, AND DAVID W. WILLIAMS,
JR. EACH INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY SITUATED,**

PLAINTIFFS,

V.

**INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA, UAW; AND UAW LOCAL
UNION 5285,**

DEFENDANTS.

Civil Action No. 3:10-cv-418-DSC

ORDER

THIS MATTER is before the Court on “Plaintiffs’ Motion to Compel Defendants International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; and UAW Local 5285 to Sign Answers to Interrogatories and Make Payment of Expert Witness Fees” (document # 89) filed April 15, 2013 and the parties associated briefs and exhibits. See documents #92 and #97. This Motion is now ripe for the Court’s consideration. The Court has carefully examined the record, the parties’ arguments and the applicable authorities. The Motion will be granted in part and denied in part.

Based upon representations by Plaintiff’s counsel Jameson Wells to chambers staff, the expert witness fees have been paid. Therefore, the Court will deny this portion of the Motion to Compel as moot.

The Court will grant the Motion to Compel with regard to the Defendants International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW and UAW Local Union 5285’s answers to Plaintiffs’ First, Second, Third, Fourth, and Fifth Set of Interrogatories. Defendants are ordered to answer these interrogatories in accord with Rule 33(b)(3) of the Federal Rules of Civil Procedure within seven (7) calendar days of this Order.

The Court also finds that Defendants International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW and UAW Local Union 5285 should be ordered to pay reasonable costs, including attorneys’ fees, incurred by Plaintiffs in filing the instant Motion to Compel.

Plaintiffs shall submit an affidavit detailing the expenses, including attorneys’ fees incurred in the filing of the instant Motion within seven (7) calendar days of the date of this Order. After the affidavit is filed, the Court will issue an order granting reasonable costs.

SO ORDERED.

Signed: May 22, 2013



David S. Cayer
United States Magistrate Judge

