

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

**ELECTRONIC PAYMENT
PROVIDERS, INC. d/b/a
BILLINGTREE,**

Plaintiff,

v.

**S&R MANAGEMENT GROUP, LLC
d/b/a A&D GROUP, KEVIN SUGG,
and JOHN SUGG,**

Defendants.

Civil Action No. 3:16-CV-799-RJC-DSC

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL DEFENDANTS'
INITIAL DISCLOSURES**

THIS MATTER is before the Court on Plaintiff's Motion to Compel Defendants' Initial Disclosures. Defendants have not responded to the Motion and the time for filing a response has expired. Having carefully considered the Motion, briefing, record, and relevant rules, the Court finds that Plaintiff's Motion should be granted.

In support of this order, the Court makes the following findings. The Court's Pretrial Order and Case Management Plan set a February 3, 2017 deadline for the parties to exchange Rule 26 initial disclosures. Defendants did not make their initial disclosures on February 3. Plaintiff attempted in good faith to obtain Defendants' initial disclosures without involving the Court. Despite Plaintiff's efforts, Defendants still have not made their initial disclosures. Plaintiff has incurred \$1,650.00 in reasonable expenses, including attorneys' fees, in making this Motion. Defendants and Defendants' counsel must pay these reasonable expenses to BillingTree pursuant to Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED that:

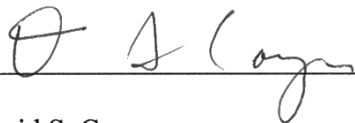
- (1) Plaintiff's Motion to Compel Defendants' Initial Disclosures is **GRANTED**;

(2) Defendants are to make immediately the initial disclosures required by Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure; and

(3) Defendants and Defendants' counsel are jointly liable for and must immediately pay to BillingTree the amount of \$1,650.00, which is the amount of BillingTree's reasonable expenses incurred in making this Motion, including attorneys' fees.

SO ORDERED.

Signed: March 13, 2017



David S. Cayer
United States Magistrate Judge

