

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Running Horse, LLC,)
)
 Plaintiff,)
)
 v.)
)
 Rodenbough Trucking & Excavating, Inc.;)
 Jessie Rodenbough; Matthew Rodenbough;)
 Christine Boulter; and Unleashed)
 Performance Labs, Inc.,)
)
 Defendants,)
)
 Rodenbough Trucking & Excavating, Inc.;)
 Jessie Rodenbough; Matthew Rodenbough;)
 and Unleashed Performance Labs, Inc.,)
)
 Third-Party Plaintiffs,)
)
 v.)
)
 Tesha Fredericks; Joshua P. Jacobson; Paul)
 Fredericks, Jr., and Payden Sorenson,)
)
 Third-Party Defendants.)

ORDER

Case No.: 1:16-cv-35

Before the court is Third-Party Defendant Tesha Fredericks’ (“Fredericks”) “Motion to Compel,” (Doc. No. 146), wherein Fredericks seeks to have this court order Defendants Unleashed Performance Labs, Inc. (“UPL”) and Rodenbough Trucking & Excavating, Inc. (“RTE”) answer previously served written discovery. This written discovery generally seeks information pertaining to UPL and RTE’s allegations the Third-Party Defendants interfered with UPL and RTE’s business operations. To date, UPL and RTE have not filed a response and the time do so has passed.

Following filing of the current motion on January 23, 2017, Judge Hovland ordered the parties participate in a court-hosted settlement conference, which ended unsuccessfully on April 6,

2017. (Doc. No. 161). Since that settlement conference, UPL and RTE's counsel asked for and was granted leave to withdraw from the case. (Doc. No. 181). No substitute counsel has appeared on behalf of either UPL or RTE, leaving each to proceed in this matter pro se.

Given how this case has proceeded thus far, the court is inclined to give UPL and RTE another opportunity to respond to the Motion to Compel. Accordingly, the court **ORDERS** UPL and RTE file a reply to the Motion to Compel within thirty (30) days. Failure to do so may be taken as an admission the motion is well taken and may justify granting the motion.

IT IS SO ORDERED.

Dated this 8th day of August, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court