

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SIERRA JEAN FULLER, *et al.*,

Plaintiffs,

v.

Civil Action 2:14-cv-2556
Chief Judge Edmund A. Sargus
Magistrate Judge Elizabeth P. Deavers

FRANKLIN COUNTY, OHIO, *et al.*,

Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of Defendants' Motion to Compel Responses to Written Discovery Requests. (ECF No. 60.) Plaintiffs did not file a Response. For the reasons that follow, Defendants' Motion is **GRANTED**.

In their Motion, Defendants seek a Court Order compelling Plaintiffs to fully respond a number of written discovery requests. Defendants state that they served Plaintiffs with written discovery requests on March 11, 2016 and that on May 10, 2016 they contacted Plaintiffs' counsel to request responses to the then-overdue requests. (ECF No. 60 at 2.) According to Defendants, Plaintiffs' counsel responded by email on May 17, 2016 that Defendants "should have them by the end of the week." (*Id.*) Defendants again emailed Plaintiffs' counsel on June 8, 2016 seeking responses to the discovery requests and, when none was forthcoming, filed a motion to compel on June 15, 2016. (*Id.*) Defendants state that Plaintiffs' counsel informed them that he was unable to find the discovery requests and asked that Defendants re-send them. (*Id.*) Defendants subsequently re-sent the discovery requests and withdrew their motion to

compel. According to Defendants, Plaintiffs twice told Defendants that responses would arrive by June 24, 2016. (*Id.*) Defendants did not receive responses to their discovery requests, and on June 30, 2016, they filed the instant Motion. (*Id.*)

Defendants have moved the Court for an order compelling Plaintiffs to respond to their discovery requests. Federal Rule of Civil Procedure 37 permits a party to file a motion for an order compelling discovery if another party fails to respond to discovery requests, provided that the motion to compel includes a certification that the movant has, in good faith, conferred or attempted to confer with the party failing to respond to the requests. Fed. R. Civ. P. 37(a)(1). The Court is satisfied that this prerequisite to a motion to compel has been met in this case.

Plaintiffs have not filed a Response to Defendants motion. Neither is the Court aware of any objection that Plaintiffs may have made to the discovery requests with respect to scope of discovery, burden of production, or any other legitimate grounds for denying Defendants' Motion.

For the reasons set forth above, therefore, Defendants' Motion to Compel is **GRANTED**.
(ECF No. 60.)

IT IS SO ORDERED.

Date: August 8, 2016

/s/ Elizabeth A. Preston Deavers
ELIZABETH PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE