

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROBERT ALLEN AUTRY, an)
Incapacitated Person individually, *et al.*,)
)
Plaintiffs,)
)
vs.)
)
CLEVELAND COUNTY SHERIFF’S)
DEPARTMENT, *et al.*,)
)
Defendants.)

Case No. CIV-15-1167-D

**ORDER GRANTING DEFENDANT DEANNA WHEELER’S
MOTION TO COMPEL DISCOVERY RESPONSES**

Before the Court is Defendant Deanna Wheeler’s Motion to Compel Discovery Responses and Request for Attorney’s Fees [Doc. No. 122], filed pursuant to Fed. R. Civ. P. 37 and LCvR37.1. The Motion seeks an order compelling Plaintiffs to answer interrogatories and respond to requests for production of documents. Plaintiff Sandra Valentine, individually and as guardian of Plaintiff Robert Allen Autry, has not filed a timely response to the Motion. Upon consideration, in the exercise of discretion under LCvR7.1(g), the Court finds that the Motion should be deemed confessed, and should be granted for the reasons stated in the Motion.

IT IS THEREFORE ORDERED that Defendant Deanna Wheeler’s Motion to Compel Discovery Responses and Request for Attorney’s Fees [Doc. No. 122] is GRANTED. Plaintiffs shall serve full and complete answers to Defendant Deanna Wheeler’s First Set of Interrogatories, and shall serve full and complete responses to Deanna Wheeler’s First Request for Production of Documents within 14 days from the date of this Order. All objections are

waived, except any objection based on a claim of privilege is not waived if properly asserted in accordance with Fed. R. Civ. P. 26(b)(5) within 14 days.

IT IS FURTHER ORDERED that Defendant Deanna Wheeler shall recover reasonable costs and attorney fees incurred in making her Motion pursuant to Fed. R. Civ. P. 37(a)(5)(A), upon separate application filed within 14 days from the date of this Order.

IT IS SO ORDERED this 17th day of August, 2018.

Handwritten signature of Timothy D. DeGiusti in blue ink.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE