

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Arthur Wyman Henderson,)	C/A No.: 0:14-2639-MBS-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Group 1 Automotive, Inc. d/b/a)	
Toyota of Rock Hill,)	
)	
Defendant.)	
)	

This matter comes before the court on the motion of GPI SC-T, LLC, d/b/a Toyota of Rock Hill¹ (“Defendant”) to compel Arthur Wyman Henderson (“Plaintiff”) to produce responses to Defendant’s First Set of Interrogatories and First Set of Requests for Production served on September 5, 2014. [ECF No. 13]. The motion indicates that the discovery requests were duly served and that full and complete responses have not been made within the time prescribed by Fed. R. Civ. P. 26. Plaintiff’s deadline to respond to the discovery requests, after a 30-day consent extension, was November 7, 2014. Id. Defense counsel represents that as of November 26, 2014, Plaintiff had not answered or responded to the discovery requests. Id.

In light of the foregoing, the court grants Defendant’s motion to compel. Plaintiff is directed to provide responses to the discovery request by December 15, 2014. Because

¹ The undersigned notes that Defendant’s motion identifies itself as “GPI SC-T, LLC, d/b/a Toyota of Rock Hill,” but its responses to Local Civ. Rule 26.01 interrogatories indicate that it was properly named in the complaint [ECF No. 6 at 3].

Plaintiff failed to timely respond to the discovery, any and all objections are deemed waived under Fed. R. Civ. P. 33(b)(4).

The court denies the motion for attorney's fees at this time. However, if Plaintiff fails to provide the responses as directed herein, the court will grant a request for fees and costs by Defendant through a refiled motion accompanied by an affidavit setting out the time expended in connection with the motion to compel and the hourly rate that the client has been billed.

IT IS SO ORDERED.



December 1, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge