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

Charles F. Pace,	)	C/A No.: 1:13-1394-RMG-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Hemmi Mays,	)	ORDER
	)	
Defendant.	)	
	)	

This matter comes before the court on the motion [Entry #10] of Defendant to compel Plaintiff to produce responses to Defendant's First Interrogatories and Requests for Production served July 12, 2013. 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.

As of August 12, 2013, the date Plaintiff's discovery responses were due, Plaintiff had not answered or responded to the discovery requests, nor had he requested any additional extension in which to answer the discovery requests. Consequently, any and all objections are deemed waived under Fed. R. Civ. P. 33(b)(4).

Attached as an exhibit to the motion to compel is correspondence from Defendant's counsel dated August 14, 2013, inquiring about the overdue discovery responses and requesting responses to the discovery within ten days. Defendant represents that Plaintiff's counsel failed to respond to the August 14, 2013, letter, and as of the filing of the

motion to compel on September 3, 2013, Plaintiff's counsel had not provided responses or otherwise communicated with Defendant's counsel.

In light of the foregoing, the court grants the motion to compel. Plaintiff is directed to provide responses to the discovery request by September 11, 2013.

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 discovery motions, the August 14, 2013 letter, and the hourly rate that the client has been billed.

IT IS SO ORDERED.

September 4, 2013   Shiva V. Hodges
Columbia, South Carolina   United States Magistrate Judge