

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

Roger Cleveland Golf Company, Inc., ) Civil Action No. 2:09-2119-MBS  
)  
Plaintiff, )  
)  
vs. ) **PLAINTIFF'S MOTION TO COMPEL**  
)  
Christopher Prince, Sheldon Shelley, Prince )  
Distribution, LLC, and Bright Builders, )  
Inc. )  
)  
Defendants. )

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Pursuant to Federal Rule of Civil Procedure 37 and Local Civil Rule 37.01 (DSC), the Plaintiff, Roger Cleveland Golf Company, Inc., ("Plaintiff") hereby moves for an order compelling the Defendant Bright Builders, Inc. ("Defendant") to answer Plaintiff's Second Set of Requests for Production of Documents, on the grounds that over thirty days have elapsed following service of these discovery requests without the receipt of responses from the Defendants. In support of this Motion, the Plaintiff would respectfully show the following:

1. On August 12, 2009, Plaintiff initiated this action for trademark infringement and unfair competition relating to the sale of counterfeit Cleveland Golf brand golf clubs over the internet, specifically through websites owned by the Defendants.
2. On August 16, 2010, Plaintiff served counsel for Defendants with its Second Set of Requests for Production of Documents via hand-delivery. A copy of Plaintiff's Second Set of Requests for Production of Documents is attached hereto as Exhibit A. The certificate of service showing service via hand-delivery on August 16, 2010 is attached as the last page to Exhibit A.
3. As of the date of the filing of this motion no responses have been received and no documents have been produced.

4. Unfortunately, an extension cannot be granted by counsel, since the request would put the due date beyond thirty (30) days before the deadline to complete discovery.

By this Motion and pursuant to Rules 37(a)(3)(B)(iii) and (iv) of the Federal Rules of Civil Procedure, Plaintiff is merely seeking to compel discovery responses which are overdue.

WHEREFORE, the Plaintiff prays the Court that the Defendant be ordered to provide responses and responsive documents to Plaintiff's Second Set of Requests for Production of Documents within five (5) days of the date of the Order.

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Charleston, South Carolina  
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