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

Norris L Sellers, Plaintiff, vs. Giant Cement Holding, Inc. dba Giant Recovery Services, Defendant.	)	C/A No.: 3:11-2803-JFA-SVH ORDER

This matter comes before the court on the motion [Entry #20] of Defendant to compel Plaintiff to produce documents responsive to Interrogatories and Requests for Production served February 15, 2012. 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 the Federal Rules of Civil Procedure. Fed. R. Civ. P. 26.

As of March 19, 2012, 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).

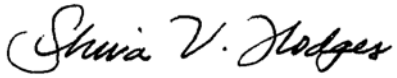
Attached as exhibits to the motion to compel are copies of correspondence between counsel. Counsel for Defendant sent Plaintiff's counsel a letter dated March 29, 2012 inquiring about the overdue discovery responses. Plaintiff's counsel failed to respond to that letter and Defendant's counsel followed up with an email dated April 4, 2012, after which an extension was granted until April 20, 2012 to provide discovery responses.

After Plaintiff again failed to provide discovery responses, Defendant's counsel followed up by email dated April 26, 2012, and Plaintiff's counsel indicated that the responses would be sent out early the following week of April 30, 2012. After Plaintiff again failed to provide discovery responses, Defendant's counsel followed up by email dated May 7, 2012, and as of the filing of the motion to compel on May 11, 2012, 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 May 21, 2012.

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 the request for fees and costs by Defendant through a refiled motion accompanied by an affidavit setting out the time expended in connection with the March 29, 2012 letter, follow-up emails and discovery motions and the hourly rate that the client has been billed.

IT IS SO ORDERED.



May 14, 2012
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge