

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

HAMILTON COUNTY EMERGENCY)	
COMMUNICATIONS DISTRICT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	1:14-cv-376-CLC-SKL
)	
LEVEL 3 COMMUNICATIONS, LLC,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiffs’ motion to compel discovery responses from Defendant [Doc. 37]. Plaintiff claims Defendant did not fully respond to Plaintiffs’ written discovery requests. Defendant did not file any response to Plaintiffs’ motion and the time for doing so has passed. The Court deems Defendant’s failure to respond to the motion as a waiver of any opposition to the requested relief. *See* E.D. Tenn. L.R. 7.1(a) (“the answering brief . . . shall be served and filed no later than 14 days after the service of the opening brief”) & E.D. Tenn. L.R. 7.2 (“Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought.”).

Accordingly, it is hereby **ORDERED** that Plaintiffs’ unopposed motion [Doc. 37] is **GRANTED**. As a result, within **14 days** of the entry of this Order, Defendant **SHALL** (1) properly respond to Plaintiffs’ interrogatories; (2) produce, or agree with Plaintiffs on a reasonable schedule for the production of, requested documents; and (3) provide (a) complete line count data for all relevant years or an explanation of why such data are not available, including the circumstances of any destruction of data, (b) the line data for each requested month, and, (c) for spreadsheets or data compilations, provide complete descriptions of all data fields. Although

Plaintiffs also requested attorneys' fees pursuant to Fed. R. Civ. P. 37 in connection with the motion, the request is not adequately developed for resolution. Accordingly, the request for fees is denied subject to further consideration should the discovery dispute require further court intervention.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE