

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DANA ANN FOX, and husband WILLIAM)
CHADLER FOX,)
Plaintiffs,)
v.) No. 3:16-CV-556-HSM-CCS
MAYFLOWER TRANSIT, LLC, a/k/a)
MAYFLOWER VAN LINES, LLC, and)
QUINN S.W. SHARKEY,)
Defendants.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Plaintiffs' Motion to Amend Complaint [Doc. 33], filed on April 24, 2017, and the Defendant's Motion to Compel Discovery Responses from Plaintiffs [Doc. 34], filed on May 4, 2017. With respect to the former Motion, the Plaintiffs request that the Court allow them to amend their Complaint to add two defendants, Guardian Moving Systems, Inc., and Larry Wilson. The Plaintiffs have attached their proposed Amended Complaint [Doc. 33-1] to the Motion in accordance with Local Rule 15.1.¹

The Court finds that no party has responded in opposition to the Motion, and the time for doing so has expired. *See* 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."). In addition, the Court finds that the Plaintiffs' Motion is supported by good cause, *see* Fed. R. Civ. P. 15, and it complies with the Rules of this

¹ The Court notes that the Plaintiffs originally moved to file an amended complaint on March 8, 2017, but this Motion was denied [Doc. 32] for failing to attach a proposed amended complaint in accordance with the Local Rules of this Court.

Court, *see* E.D. Tenn. L.R. 15.1. Finally, the Court notes that the Motion was timely filed pursuant to the Scheduling Order [Doc. 14] in this case. (“If any party wishes to join one or more additional parties or amend its pleadings, such joinder or amendment shall be made by April 30, 2017.”).

Accordingly, the Plaintiffs’ Motion to Amend Complaint [**Doc. 33**] is **GRANTED**. The Plaintiffs **SHALL FILE** their Amended Complaint [Doc. 33-1] as their operative pleading in CM/ECF on or before **June 8, 2017**. The Court expects the Plaintiffs to serve these Defendants in an expedited manner.

As mentioned above, the Defendant filed a Motion to Compel Discovery Responses from Plaintiffs [Doc. 34]. The Motion states that on December 30, 2016, the Defendant submitted its First Set of Interrogatories and Requests for Production of Documents to the Plaintiffs by mail. The Motion continues that the parties agreed that the discovery responses would be due on February 24, 2017. Upon not having the discovery responses, on March 20, 2017, the Defendant mailed a letter to the Plaintiff inquiring into the status of the overdue discovery responses. The Plaintiff did not respond to the letter. On April 26, 2017, the Defendant sent another letter regarding the overdue responses. The letter stated that the Defendant would seek the Court’s assistance if the discovery responses were not received on May 2, 2017. The Defendant has not received the discovery responses and states that it has attempted to confer in good faith to resolve the issue. The Defendant asserts that it cannot progress in its defense of this case without the written discovery responses.

The Plaintiffs have not filed a response to the Motion, and the time for doing so has expired. *See* 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.”). The Court **ORDERS** the Plaintiffs to provide full, complete, and verified written responses to the Defendant’s First Set of Interrogatories and Requests for Production of

Documents within fourteen (14) days of entry of this Memorandum and Order. Further, the Plaintiffs are hereby **ADMONISHED** that the failure to participate in discovery may lead to sanctions, including dismissal of their case. *See* Fed. R. Civ. P. 37(b)(2)(A)(i)-(vii), (b)(2)(C), and (d)(3). Accordingly, the Motion to Compel Discovery Responses from Plaintiffs [**Doc. 34**] is **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge