

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

COMMUNITY ONCOLOGY)	
CONSULTANTS, INC,)	
)	
Plaintiff,)	
)	4:09-CV-107
v.)	<i>Mattice / Lee</i>
)	
STAT MEDICAL CONSULTING, INC.,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant's motion to compel Plaintiff (1) to execute the signature page verifying Plaintiff's answers to interrogatories, (2) to produce documents sought in Defendant's request for production, and (3) for sanctions under Fed. R. Civ. P. 37 [Doc. 15]. Both the interrogatories and requests for production were propounded on November 6, 2009. Defendant previously filed a motion to compel responses to these same requests, but the motion was denied as moot on the parties' representation that it had been resolved. Defendant explains that Plaintiff did answer the interrogatories but did not verify his responses, and Plaintiff provided written responses to the requests for production but did not produce any documents. Plaintiff represents the verification for the interrogatories is "in the mail," and Plaintiff has offered to allow Defendant access to seven bankers' boxes of records for inspection and copying. The Court **FINDS** Defendant is entitled to the discovery it seeks, and, as ordered during the hearing, Defendant's motion to compel [Doc. 15] is therefore **GRANTED** as follows:

- (1) Plaintiff shall provide an original verification to the interrogatory answers for delivery no later than May 13, 2010.
- (2) With respect to Defendant's first request for production, Plaintiff shall deliver

a copy of any responsive documents to Defendant no later than May 13, 2010.

(3) Also no later than May 13, 2010, Plaintiff shall provide to Defendant copies of all reports, letters, or other documents generated by Myers, Nguyen and Associates or any other expert pertaining to the matters alleged in Plaintiff's complaint.

(4) Also no later than May 13, 2010, Plaintiff shall either deliver to Defendant any documents responsive to Defendant's fourth request for production or amend its written response to Defendant's fourth request for production stating there are no responsive documents.

The Court notes that it will consider the discovery issues addressed herein in connection with any further request for sanctions under Fed. R. Civ. P. 37 should further discovery disputes arise between the parties.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE