

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**SHELLBY HORTON AND MERINDA  
WALLER,** )  
)  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**CORRECTIONS CORPORATION OF** )  
**AMERICA, et al.,** )  
)  
**Defendants.** )

**Case No. 3:13-cv-00437  
Judge Campbell / Knowles**

**ORDER**

This matter is before the Court upon a “Motion to Compel and for Payment of Expenses” filed by defendant Metropolitan Government. Docket No. 13. Defendant has submitted a supporting memorandum of law. Docket No. 14. Plaintiffs, who are represented by counsel, have not filed a response to the motion.

The grounds for the motion are that Plaintiff has failed to make their initial disclosures, which were due August 1, 2013. Docket No. 12, p.2. The supporting memorandum states that counsel has sent two letters to Plaintiffs’ counsel regarding the outstanding initial disclosures, but that Plaintiffs’ counsel has not responded to those letters.

Fed. R. C. P. 37(a)(3)(A) provides, “If a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions.”

Additionally, Fed. R. C. P. 37(a)(5)(A) provides:

If the motion is granted - or if the disclosure or requested discovery is provided after the motion was filed - the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable

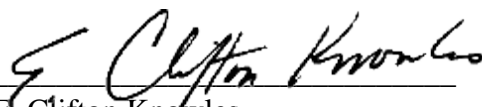
expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

- i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;
- ii) the opposing party's nondisclosure, response, or objection was substantially justified; or
- iii) other circumstances make an award of expenses unjust.

Defendant seeks sanctions in the amount \$250.

For the foregoing reasons, the Motion to Compel is GRANTED. Plaintiffs shall make their initial disclosures as required by Rule 26(a) within 14 days from the entry of the instant Order. If Plaintiffs fail to do so, the undersigned will recommend that this action be dismissed. Defendant's Motion for Sanctions is taken under advisement pending Plaintiff's opportunity to be heard. If Plaintiffs wish to be heard, they shall file a response to the instant Order within 14 days from the date of entry of the instant Order.

IT IS SO ORDERED.

  
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E. Clifton Knowles  
United States Magistrate Judge