UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS DENTON,

Plaintiff,

v.

FRED FIGUEROGA et al.,

Defendants.

CASE NO. C10-1966-RJB-JRC

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL AND AWARDING COSTS AND FEES

This 42 U.S.C. §1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4. All parties in this action are represented by counsel. Defendants ask the Court to consider as admitted requests for admission defendants served on plaintiff in September of 2011 (ECF No. 40). Defendants counsel also asks the Court to compel plaintiff to answer interrogatories and requests for production (ECF No. 40). Counsel representing plaintiff has not responded.

Defense counsel states that the discovery was first served in September of 2011. Counsel also states that attempts to resolve the discovery dispute have been unsuccessful. Counsel has filed several e-mails and correspondence between the parties (ECF No. 40, Exhibits). Defendants have not filed any copies of the discovery they are seeking to compel. However, defendants have filed copies of a portion of plaintiff's deposition, e-mails with plaintiff's counsel and correspondence that demonstrate repeated efforts by Corrections Corporation of America's counsel to obtain answers to discovery (ECF No. 40).

Plaintiff has failed to respond to the motion to compel and placed nothing before the Court to show that the motion is improper or that an award of costs and fees is not warranted. Therefore, although the Court will grant the motion to compel, the Court is not in a position to deem anything admitted until and unless the Court has had an opportunity to review the requested admissions. The motion to compel answers to interrogatories is GRANTED.

Counsel for Correctional Corporation of America may submit a bill for costs and fees associated with the motion to compel. Counsel for plaintiff is Ordered to Show Cause why he should not be held to personally satisfy the costs and fees as authorized under this Court's General Rule 3(d). The cost bill will be due on or before March 23, 2012. A response to the Order to Show Cause will be due on or before March 30, 2012.

The Scheduling Order has been revised repeatedly in this action. Discovery is now closed and dispositive motions remain due on or before March 30, 2012 (ECF No. 36).

Dated this 7th day of March, 2012.

J. Richard Creatura
United States Magistrate Judge