

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TIM A. BRICKNER,

Plaintiff,

v.

Case No. 09-C-516

TOWER TECH SYSTEMS INC.,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL**

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Plaintiff Tim A. Brickner filed this action against his former employer, defendant Tower Tech Systems Inc. ("Tower Tech"), pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601, *et seq.* Jurisdiction rests upon 28 U.S.C. § 1331. This matter is before me on Tower Tech's Civil L. R. 7.4 expedited non-dispositive motion to compel.

On November 6, 2009, Tower Tech filed its motion to compel Brickner to provide (1) the required initial disclosures (specifically, information related to the "computation of each category of damages claimed," Fed. R. Civ. P. 26(1)(A)(iii), and information under Fed. R. Civ. P. 26(1)(A)(iv)); (2) responses to Tower Tech's First Set of Requests for Production of Documents; and (3) responses to Tower Tech's First Set of Written Interrogatories. (Doc. # 13.) Tower Tech resorted to filing this motion only after allowing plaintiff a number of extensions of time in which to respond and consulting with counsel for Brickner on the matter.

Brickner has not filed a response to the motion within the time provided under Civil L.R. 7.4, and counsel for Tower Tech reports that as of November 19, 2009 he still had not received any response from Brickner. Accordingly, Tower Tech's motion to compel will be granted.

In addition, Tower Tech's counsel indicates Tower Tech has incurred attorney's fees of \$1,567 in seeking this relief. The amount of fees requested appears reasonable. The Court will therefore order that Brickner pay Tower Tech its attorney's fees of \$1,567 pursuant to Fed. R. Civ. P. 37(a)(5).

**IT IS THEREFORE ORDERED** that Tower Tech's motion to compel is **GRANTED**. Brickner will provide Tower Tech, within seven (7) days of the date of this Order, with (1) full and complete Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii) and (iv); (2) full and complete responses to Defendant's First Set of Requests for Production of Documents; and (3) full and complete answers to Defendant's First Set of Written Interrogatories.

**IT IS FURTHER ORDERED** that Brickner will reimburse the Tower Tech, within thirty (30) days of the date of this Order, the amount of \$1,567.00, the fees and expenses incurred by the Tower Tech in bringing its motion.

Dated this   1st   day of December, 2009.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge