

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDWARD B. BURGESS,

Plaintiff,

v.

REBECCA LENZ, SHANE BRUNNER,
JEAN LUTSEY, MARY SAUVEY,
KATHY LENENS, MARY ALSTEEN,
and ANA BOATWRIGHT,

Defendants.

Case No. 16-CV-1147-JPS

ORDER

On July 31, 2017, Plaintiff filed a motion to compel the production of documents and answers to requests for admission. (Docket #27). Defendants filed their opposition to the motion on August 7, 2017. (Docket #28). According to Defendants, Plaintiff sent his requests for admission to Defendants on July 19, 2017, which is less than 30 days prior to the Court's August 10, 2017 discovery deadline. *Id.* at 1-2. Of course, under Federal Rule of Civil Procedure 36, Defendants are allowed 30 days to respond to Plaintiff's requests for admission. Therefore, Defendants argue, Plaintiff's requests were untimely served and his motion to compel should be denied. *Id.* Further, Defendants claim that Plaintiff never sent them his requests for the production of documents. *Id.* Plaintiff did not file a reply in support of his motion to compel.

Plaintiff's motion to compel fails for two reasons. First, his motion does not comply with Civil Local Rule 37, in that he failed to provide a certification that he conferred with the opposing parties in good faith prior

to filing his motion. Second, Plaintiff's requests are untimely. Plaintiff was warned in the Court's Scheduling Order about the procedure and time limits for conducting discovery. (Docket #20 at 2-3). Given that Plaintiff had ample time to properly serve discovery requests, the Court will not compel Defendants to respond to the set of requests Plaintiff eventually mailed to them on July 19, 2017, as their responses to the eleventh-hour requests would not be due until after the discovery deadline. Plaintiff is not saved by the fact that he filed copies of his discovery requests with the Court on July 3 and 25, 2017. (Docket #24 and #26). He was previously instructed that all discovery requests must be served by mail or other means of delivery, and not simply filed with the Court. (Docket #20 at 2-3). Plaintiff's motion to compel will be denied.

Accordingly,

IT IS ORDERED that Plaintiff's motion to compel (Docket #27) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 28th day of August, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge