

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HERMAN E. GARNER,

Plaintiff,

v.

PROCLIP USA, INC.,

Defendant.

ORDER

15-cv-653-bbc

On September 18, 2017, I granted a motion to compel filed by defendant ProClip USA, Inc. and ordered plaintiff Herman E. Garner to provide defendant full and complete interrogatory answers signed under oath and attend his properly noticed deposition. Dkt. #49. I also stated that I was inclined to grant defendant’s request under Fed. R. Civ. P. 37(a)(5)(A) and (d) for reasonable costs and attorneys fees incurred in preparing for and attending plaintiff’s deposition and in filing the motion to compel, in light of plaintiff’s failure to present any legitimate objection (or any response at all) to defendant’s motion. However, I gave plaintiff one opportunity to object to defendant’s request for fees.

Defendant has now filed an itemized statement of costs and fees, dkt. #51, and plaintiff has not filed any objection or other response. After reviewing the itemized statement and explanation from counsel, I find that defendant’s request for \$1,886 fees and \$95.94 in costs is reasonable and an appropriate sanction for plaintiff’s actions. Accordingly, I am granting defendant’s request for fees and costs.

ORDER

IT IS ORDERED that defendant ProClip USA, Inc.'s motion for fees and costs is GRANTED. Plaintiff Herman E. Garner may have until November 12, 2017, to pay defendant \$1,981.94 to compensate defendant for the fees and costs incurred in filing its motion to compel and in preparing for and attending the properly noticed deposition that plaintiff failed to attend.

Entered this 12th day of October, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge