

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE YOUNG,

Plaintiff,

Case No. 17-cv-10172

District Judge John Corbett O'Meara

Magistrate Judge Anthony P. Patti

v.

DOLGENCORP, LLC,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL AS UNOPPOSED (DE 12), GRANTING COSTS, AND CANCELING HEARING

This matter is before the Court for consideration of Defendant's May 26, 2017 motion to compel answers to interrogatories and requests to produce. (DE 12.) Defendant served Plaintiff with preliminary interrogatories and requests for production on April 4, 2017 and, as of the filing of the motion, Plaintiff had not yet answered those requests. Defendant further asserts that Plaintiff has failed to provide initial disclosures – which were due on or before April 24, 2017 per this Court's order of March 20, 2017 (DE 7) – and asks the Court to order that Plaintiff provide responses to the interrogatories, produce documents responsive to the requests, and provide initial disclosures consistent with Federal Rule of Civil Procedure 26(a). This matter was referred to me on May 30, 2017 and was noticed for a hearing to occur on June 22, 2017. (DE 13 and 16.) To date, Plaintiff has not

filed a response in opposition to Defendant's motion, yet failed to give concurrence in the requested relief when asked to do so. In the Court's view, concurrence should have been given and a stipulated order compelling disclosures and discovery should have been submitted by the parties for entry, instead of burdening Defendant with the task and expense of filing a motion to compel, and further burdening the Court with having to review the motion papers.

Under Eastern District of Michigan Local Rule 7.1(e)(2)(b), Plaintiff's response in opposition was due fourteen days after the motion was served, or June 9, 2017. To date, no response has been filed. Accordingly, Defendant's motion is **GRANTED AS UNOPPOSED**. (DE 12.) Plaintiff is ordered to provide full and complete responses to Defendant's April 4, 2017 interrogatories and requests to produce – without objection, all objections being waived as untimely – as well as initial disclosures pursuant to Fed. R. Civ. Pro. 26(a), **WITHIN 14 DAYS OF THIS ORDER**. The June 22, 2017 hearing on this matter is hereby cancelled.

Defendant is awarded its reasonable costs and attorney fees associated with the preparation of this motion, pursuant to Fed. R. Civ. Pro. 37(a)(5) – and (b)(2), as it was necessitated by a failure to abide by a previous discovery order (DE 7) – and shall submit an itemized bill of costs for the Court's consideration via ECF on or before **June 24, 2017** in support thereof; thereafter, any specific objections to

the amount of fees or costs being sought must be filed by Plaintiff on or before
June 27, 2017.

IT IS SO ORDERED.

Dated: June 19, 2017

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on June 19, 2017, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti