

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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MICHAEL DUNCAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:09-cv-1062
	)	
LOWE'S HOME CENTER, INC., JOHN	)	
DOE 1, and JOHN DOE 2,	)	
	)	
Defendants.	)	

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

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Before the Court is Defendants' Motion to Compel Plaintiff's Discovery Responses (DE 14), pursuant to Rule 37 of the Federal Rules of Civil Procedure. Plaintiff has not responded. This Motion was referred to the Magistrate Judge for determination (DE 15). For the following reasons, this Motion is GRANTED.

The discovery at issue was propounded on April 22, 2009, and sent a second time on July 14, 2009. Though Federal Rules of Civil Procedure 33 and 34 call for discovery responses to be served within thirty days, Plaintiff has not responded to date. Rule 37 of the Federal Rules of Civil Procedure provide that a party seeking discovery may file a motion to compel after attempting to obtain the requested information without court action. While Defendants' counsel is cautioned that the Certificate of Consultation filed lacks all of the information necessary pursuant to Local Rule 7.2(a)(1)(B), counsel does set forth the efforts to obtain the discovery in Exhibits A – D. Accordingly, Defendants' Motion to Compel Plaintiffs' Discovery Responses is

GRANTED. Plaintiffs are ORDERED to serve their responses on Defendants no later than October 14, 2009.

IT IS SO ORDERED.

s/ Edward G. Bryant  
EDWARD G. BRYANT  
United States Magistrate Judge

September 30, 2009  
Date