

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARGARITA BECERRA,)
)
 Plaintiff,)
)
 v.) Case No. 05-2022-JWL
)
 EARTHLINK, INC.,)
)
 Defendant.)

ORDER

This case comes before the court on plaintiff’s motion to compel responses to certain interrogatories and document requests pursuant to Fed. R. Civ. P. 37 (**doc. 26**).¹ Defendant has responded (doc. 33) and plaintiff has replied (doc. 34). For the reasons set forth below, plaintiff’s motion to compel is denied.

Pursuant to D. Kan. Rule 37.1(a),

Motions under Fed. R. Civ. P. 26(c) or 37(a) directed at depositions, interrogatories, requests for production or inspection, or requests for admissions under Fed. R. Civ. P. 30, 33, 34, or 36, or at the responses thereto, shall be accompanied by copies of the notices of depositions, the portions of the interrogatories, requests or responses in dispute. . . .

By email to counsel on October 19, 2005, the court noted that plaintiff had not complied with D. Kan. Rule 37.1(a) in that a copy of the interrogatories, requests, and responses in dispute were not attached to plaintiff’s motion to compel. The court directed plaintiff to

¹ While plaintiff cites Fed. R. Civ. P. 37(d), which deals with sanctions, the briefing indicates that plaintiff actually intended to bring the instant motion pursuant to Fed. R. Civ. P. 37(a).

file a supplement to the motion, attaching a copy of such interrogatories, requests, and responses no later than Thursday, October 20, 2005 at noon. To date, plaintiff has failed to file such a supplement. Accordingly, plaintiff's motion to compel is denied for failure to show entitlement to relief.

IT IS SO ORDERED.

Dated this 21st day of October, 2005 at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge