

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

THOMAS CANAL DAVIS,

Plaintiff,

v.

Case No: 06-3320-JAR

BRAD McCARTER, et al.

Defendants.

ORDER

This matter comes before the court upon defendant Brad McCarter's Motion to Compel (Doc. 24). According to defendant's motion, defendant seek responses to interrogatories and requests for production served on plaintiff on October 29, 2007.

D. Kan. R. 37.1(a) provides in pertinent part:

Motions under Fed. R. Civ. P. 26(c) or 37(a) directed at depositions, interrogatories, requests for production or inspection, or requests for admission 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* (emphasis added).

Defendant has not attached to his motion to compel any of the interrogatories or requests for production thereto that are the subject of his motion. Defendant does not explain this omission.

Under these circumstances, the court shall order defendant to supplement his Motion to Compel (Doc. 24). This court's local rules are clear that any motion to compel directed at interrogatories or requests for production *shall be* accompanied by the portions of the interrogatories and requests in dispute. The court fails to find any authority contained in the Federal Rules of Civil Procedure or this court's own local rules authorizing the approach that

defendant has taken in this motion. Rather, the court finds that if defendant seek to compel full and complete responses its interrogatories and requests for production, then each individual interrogatory and request must be provided.

Therefore, because defendant has failed to attach to his motion to compel the interrogatories and requests for production in dispute as required by this court's local rules, and because the court will not speculate as to what each contained, the court shall order defendant to supplement his motion. Accordingly,

IT IS THEREFORE ORDERED that on or before **February 8, 2008**, defendant shall file, as a supplement to his Motion to Compel (Doc. 24), all Interrogatories and Requests for Production thereto that are the subject of their Motion to Compel.

IT IS SO ORDERED.

Dated this 31st day of January, 2008, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge