

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

JACALYN PATTERSON,

Plaintiff,

CIVIL ACTION

v.

No: 10-4094-CM-GLR

BEN WILLIAMS,
et al.,

Defendants.

MEMORANDUM AND ORDER

Pending before the Court is the Second Motion to Compel Discovery Against Plaintiff (ECF No. 44) filed by Defendants Ben Williams, Christopher Williams and K.C. Williams. Defendants request an order to compel *pro se* Plaintiff to provide full and complete responses to their requests for production of documents. They assert that Plaintiff has not responded to their First Requests for Production of Documents and that the deadline for her response has passed.

Defendants served Plaintiff with their First Interrogatories and Requests for Production of Documents on February 11, 2011. After Plaintiff failed to serve responses, Defendants filed a motion to compel discovery against Plaintiff on March 24, 2011. Their motion attached a copy of their First Interrogatories and First Requests for Production of Documents (ECF No. 30). The following day Plaintiff moved for an extension of time to respond to Defendants' Requests for Production of Documents. On April 20, 2011, the Court granted Plaintiff an extension of time, to April 28, 2011, in which to respond to Defendants' First Requests for Production of Documents. Defendants report that the deadline has passed without any response by Plaintiff.

Defendants also describe their efforts to confer prior to filing the motion. On March 17, 2011, their counsel sent correspondence to Plaintiff regarding the outstanding discovery requests. The correspondence requested responses to the Interrogatories and Requests for Production of Documents. Plaintiff did not respond to the correspondence. On March 24, 2011, counsel for Defendants and Plaintiff conversed by telephone about the outstanding discovery. Plaintiff told defense counsel that she has not gathered the requested information. Defendants filed their Second Motion to Compel Discovery Against Plaintiff on May 10, 2011.

Plaintiff has not filed a response to Defendants' Second Motion to Compel Discovery. The deadline for a response expired on May 24, 2011.¹ Plaintiff did file a response to Defendants' motion for sanctions on June 1, 2011. In that response, she states that she has been pursuing Defendants' requests for production and interrogatories. She also states that she provided Defendants with ten years of documents that could be accessed.

Other than her general statements about pursuing discovery and providing Defendants with unspecified documents that could be accessed, as set forth in her response to the motion for sanctions, Plaintiff has not adequately shown that she has provided the documents that were requested. Federal Rule of Civil Procedure 34(b)(2)(B) provides that, "For each item or category, the response must either state that inspection and related activities will be permitted as requested or state an objection to the request, including the reasons." The time for objections has expired. Consequently, Plaintiff must respond to each item or category requested by Plaintiff's First Requests

¹See D. Kan. Rule 6.1(d)(1) ("Responses to non-dispositive motions . . . must be filed and served within 14 days.").

for Production of Documents and produce those documents to Defendants, as requested. The Court cannot find that Plaintiff has complied with these requirements.

IT IS THEREFORE ORDERED THAT Defendants' Second Motion to Compel Discovery Against Plaintiff (doc. 44) is granted. Plaintiff shall produce, without objection, all documents responsive to Defendants' First Requests for Production of Documents within **fourteen (14) days** of the date of this Order.

IT IS FURTHER ORDERED THAT within **twenty (20) days** from the date of this order Plaintiff shall show cause in writing, why the Court should not order payment of Defendants' reasonable expenses incurred in making the motion, pursuant to Federal Rule of Civil Procedure 37(a)(5)(A). Within fourteen (14) days thereafter Defendants may respond thereto, and Plaintiff may then reply within fourteen (14) days of service of the response.

Dated in Kansas City, Kansas on this 20th day of June, 2011.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
United States Magistrate Judge