

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

BRAD CLOVER,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 21-2388-JWB-KGG
	)	
BOARD OF CNTY. COMM'RS OF	)	
DOUGLAS CNTY., KANSAS,	)	
	)	
Defendants.	)	
_____	)	

**MEMORANDUM & ORDER ON MOTION TO COMPEL**

Now before the Court is Defendant’s “Motion to Compel.” (Doc. 15.)

Having reviewed the submissions of the parties, Defendant’s motion is **GRANTED** as is Defendant’s request for attorneys fees relating to this motion.

**BACKGROUND**

Plaintiff brings this action resulting to the termination of his employment with the Douglas County Sheriff’s Office pursuant to the Americans with Disabilities Act (“ADA”). Plaintiff alleges that during his employment, he “began suffering from post-traumatic stress disorder, generalized anxiety disorder, and major depressive disorder in or about August 2015.” (Doc. 1, ¶ 8.) He alleges this is the result of a traumatic event he experienced during his employment as a law enforcement officer. (Doc. 16, at 1.)

the movant's reasonable expenses incurred in making the motion, including attorney's fees.” The rule continues, however, that “the court must not order payment” when the nonmovant's conduct was “substantially justified . . . .” Fed.R.Civ.P. 37(a)(5); *see also Meyer v. United States*, No. 16-2411-KGG, 2017 WL 735750, at \*5 (D. Kan. Feb. 24, 2017) (discussing the “substantially justified” standard in the context of a motion to compel discovery).

Defendant has prevailed on the entirety of its motion. Based on Plaintiff’s discovery responses and briefing, the Court finds no justification – substantial or otherwise – for Plaintiff’s failure to appropriately respond to the discovery requests at issue. As such, Defendant’s request for attorneys fees is **GRANTED** as to such fees relating to drafting and briefing the present motion. The parties are instructed to confer concerning that amount consistent with this Court's procedure for awarding statutory fees specified in D. Kan. Rule 54.2. *Meyer*, 2017 WL 735750, at \*5.

**IT IS THEREFORE ORDERED** that Defendant’s Motion to Compel (Doc. 15) is **GRANTED**. Supplemental responses are due within 30 days of the date of this Order.

**IT IS FURTHER ORDERED** that Defendant’s request for attorney’s fees is **GRANTED**.

**IT IS SO ORDERED.**

Dated this 22<sup>nd</sup> day of February, 2022, at Wichita, Kansas.

/s KENNETH G. GALE  
KENNETH G. GALE  
United States Magistrate Judge