

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

PETER LEE, :
 :
 Plaintiff, :
 :
 v. :
 : CASE NO. 3:04CV2143 (AWT)
 ONESOURCE INFORMATION :
 SERVICES, INC., :
 :
 Defendants. :
 :

RULING ON MOTION TO COMPEL

Pending before the court is the plaintiff's Motion to Compel (doc. #32). Plaintiff first claims that the defendant has failed to formally respond to written discovery. The defendant has not objected to the discovery requests and has produced documentation; however, it has not formally answered certain interrogatories. Plaintiff also claims that the defendant's deposition has been scheduled and cancelled "at least 13 times." (Pl's Mem. at 1.)¹ Plaintiff seeks an order compelling the defendant to (1) attend a deposition and/or designate a representative to testify pursuant to Fed. R. Civ. P. 30(b)(6)², and (2) provide the written discovery by a date certain, or else

¹It appears that on at least two occasions the defendant did not call to cancel the deposition in advance, but simply failed to show up.

²It is unclear from the motion whether the plaintiff seeks only a Rule 30(b)(6) deposition or also seeks to depose a particular individual, but the parties' submissions suggest that the deposition or depositions have been noticed before and that there is no dispute as to who is to be deposed.

be defaulted.

The defendant acknowledges that there have been delays resulting from "serious health issues for one of Defendant's witnesses and the serious illness and death of the father of Defendant's counsel." (Def's Mem. at 1.) The defendant objects to the plaintiff's requested remedy but does not object to an order requiring compliance within thirty days. The defendant also states that plaintiff is entitled to recover his attorney's fees for preparation of this motion.

The plaintiff's motion to compel (doc. #32) is granted in part and denied in part. The defendant is ordered to respond fully to the defendant's discovery request within thirty days from the date of this order. The defendant is also ordered to produce its witness(es) for deposition on mutually convenient dates within thirty days from the date of this order. The court awards the plaintiff his reasonable attorney's fees for the preparation of this motion.

SO ORDERED at Hartford, Connecticut this 16th day of October, 2006.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge