

ELECTRONIC ORDER ON PLAINTIFF'S MOTION FOR SANCTIONS UNDER FED. R. CIV. P. 37(b) (Dkt. #103) IN ROTH STAFFING COS. L.P. V. THOMAS BROWN ET AL., 13 CV 216 (JBA)

5/9/14 – Under the present Scheduling Order, filed 3/18/14, by U.S. District Judge Janet Bond Arterton, all discovery is to be completed by 6/30/14. (Dkt. #94, ¶ 1).

On 12/11/13, plaintiff filed its Motion to Compel and for Attorney' Fees (Dkts. ##67-69), which was granted by this Magistrate Judge on 2/25/14, no timely brief in opposition having been filed by defendants Brown and OEM Prostaffing, Inc. ["Brown Defendants"]; plaintiff's request for attorney's fees was denied without prejudice to renew after discovery was completed, and the Brown Defendants were ordered to comply with the outstanding discovery requests by 3/14/14. (Dkt. #85).

As set forth in plaintiff's pending Motion for Sanctions Under FED. R. CIV. P. 37(b), filed 4/16/14 (Dkt. #103), the Brown Defendants have failed to comply with the Court's 2/25/14 Electronic Order, so that plaintiff seeks a default judgment against the Brown Defendants under Rule 37(b)(2)A(vi), or alternatively, adverse inferences against the Brown Defendants due to their compliance, prohibiting them from supporting their defenses or opposing plaintiff's claims, and/or treating them in contempt of court. See FED. R. CIV. P. 37(b)(2)(A)(i), (ii), (vi). In addition, plaintiff seeks attorney's fees for both motions.

Even though the Brown Defendants have not opposed this motion, at this juncture, the Magistrate Judge will give these two defendants **one last opportunity** to comply with the outstanding discovery requests, before imposing a harsh sanction upon them. Accordingly, the Court orders that the Brown Defendants fully comply with **all** outstanding discovery requests **on or before May 30, 2014**. In addition, at a minimum, plaintiff is entitled to attorney's fees in connection with its 12/11/13 Motion to Compel as well as this pending motion. Plaintiff shall file its Motion for Attorney's Fees, brief, affidavit(s) and exhibits **on or before May 30, 2014**.

In the event that the Brown Defendants do not fully comply with plaintiff's outstanding discovery requests, plaintiff is, of course, free to renew its pending motion.