

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

PHL VARIABLE INSURANCE CO. :
 :
 :
v. :
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 :
LARRY P. CHINN :
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CIV. NO. 3:14CV241 (JCH)

RULING ON PLAINTIFF-COUNTERCLAIM DEFENDANT'S MOTION TO COMPEL
DISCOVERY COMPLIANCE [DOC. #26] AND ORDER TO SHOW CAUSE RE:
PHL'S REQUEST FOR REASONABLE EXPENSES

Pending before the Court is a motion by plaintiff/counterclaim defendant PHL Variable Insurance Company ("PHL") to compel defendant/counterclaim plaintiff Larry P. Chinn ("defendant") to respond to PHL's combined discovery requests served on September 18, 2014. [Doc. #26]. Defendant has failed to file any response to PHL's motion to compel.

On September 18, 2014, PHL served defendant with combined discovery requests, consisting of interrogatories, requests for production and requests for admission. [Doc. #26-1]. On November 6, 2014, defendant filed an unopposed motion for extension of time until December 8, 2014 to respond to the combined discovery requests [Doc. #21], which Judge Hall granted on November 10, 2014 [Doc. #22]. Defendant failed to serve his responses on December 8, 2014 and sought an informal extension of time until January 9, 2015 in which to respond, to which PHL agreed. On January 15, 2015, after having received no discovery responses, PHL agreed to yet another informal response extension through January 23, 2015. [Doc. #22-2]. On January 23, 2015, defendant again having failed to respond to the discovery requests, PHL

agreed to a third informal response extension through February 13, 2015. [Doc. #22-3]. On March 12, 2015, after not receiving the promised discovery responses on February 13, 2015, and undoubtedly having lost its patience with defendant's repeated representations that responses were forthcoming, PHL filed the pending motion to compel.

After review, and absent objection, the Court **GRANTS** PHL's motion to compel discovery compliance. Within fourteen (14) days of this Ruling, defendant will provide PHL with its objections and responses to the combined discovery requests, including any responsive documents and privilege log, if applicable.

PHL also seeks payment of its reasonable expenses, including attorney's fees, in bringing the motion to compel. Federal Rule of Civil Procedure 37 "provides a non-exclusive list of sanctions that may be imposed on a party for failing to obey an order to provide or permit discovery." Martinelli v. Bridgeport Roman Catholic Diocesan Corp., 179 F.R.D. 77, 80 (D. Conn. 1998) (citing Werbungs Und Commerz Union Austalt v. Collectors' Guild, Ltd., 930 F.2d 1021, 1027 (2d Cir. 1991); Fed. R. Civ. P. 37(b)(2)(A)(i)-(vii)). Rule 37 also permits the Court to order the disobedient party, his attorney, or both, to pay the reasonable expenses, including attorney's fees, caused by the noncompliance. Fed. R. Civ. P. 37(b)(2)(C). "Provided that there is a clearly articulated order of the court requiring specified discovery, the district court has the authority to impose Rule 37(b) sanctions for noncompliance with that order." Daval Steel Products, a Div. of Francosteel Corp. v. M/V Fakredine, 951 F.2d 1357, 1363 (2d Cir. 1991) (citation omitted). Here, defendant failed to comply with

