

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK FOREST STABLES, et al.,

Plaintiffs,

v.

SABINE ULLMANN,

Defendant.

CASE NO. C08-1025JLR

ORDER

This matter comes before the court on Plaintiffs’ motion to compel discovery (Dkt. # 14). Defendant has not responded to Plaintiffs’ motion.¹ Having considered Plaintiffs’ motion and deeming oral argument unnecessary, the court GRANTS Plaintiffs’ motion to compel discovery (Dkt. # 14.)

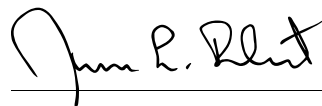
¹ “If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.” Local Rules W.D. Wash. CR 7(b)(2).

1 A party may move for an order compelling a discovery response where another
2 party fails to answer an interrogatory or to produce requested documents. Fed. R. Civ. P.
3 37(a)(3)(B). A party must provide notice to other parties before moving for an order
4 compelling discovery and the movant must certify that it has in good faith conferred with
5 the party who failed to respond to the discovery requests. Fed. R. Civ. P. 37(a)(1).

6 Plaintiffs contend that they submitted their first set of interrogatories and requests
7 for production to Defendant on August 21, 2009. (Mot. at 1-2.) The parties conferred
8 regarding Plaintiffs' discovery requests on October 14, 2009, and again on October 27,
9 2009. (*Id.* at 2; *see also id.*, Exs. A & B.) As of the date Plaintiffs filed their motion,
10 Defendant had not yet responded to Plaintiffs' discovery requests. (Mot. at 2.)

11 As Plaintiffs have met Rule 37's requirements for filing a motion to compel
12 discovery, the court GRANTS Plaintiffs' motion to compel (Dkt. #14) and ORDERS
13 Defendant to respond to Plaintiffs' first set of interrogatories and requests for production
14 within 10 days of entry of this order.

15 Dated this 26th day of November, 2009.

16
17 
18 _____
19 JAMES L. ROBART
20 United States District Judge
21
22