

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**CLIFTON SPICER, JR., and  
KATHY MAE SPICER**

**Plaintiffs,**

v.

**Docket No. 1:21-cv-01011 SHM cgc**

**SCOTT WILSON MCCREARY and  
COUNTY LINE TOWING AND RECOVERY, LLC,**

**Defendants.**

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**ORDER GRANTING PLAINTIFFS'  
MOTION TO COMPEL**

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Before the Court, by way of Order of Reference (D.E. # 38), is Plaintiffs' Motion to Compel discovery responses filed on August 17, 2022 (D.E. # 37). The Motion seeks an order compelling Defendants to respond to the First Set of Interrogatories and Requests for Production propounded on June 22, 2022. To date, no response to the instant motion has been filed.

Pursuant to Local Rule 7.2(a)(2), the non-movant shall file a response within fourteen days after service of the motion, and “[f]ailure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.” In this case, Plaintiff failed to respond to the instant motion within the fourteen days provided by the Local Rules. Accordingly, the Court finds that the motion should be GRANTED for failure to respond.

Defendants are hereby ORDERED to fully respond without objection to Plaintiffs' Interrogatories and Request for Production of Documents within fourteen (14) days from entry of

this Order.

Plaintiffs also request any other relief to which they may be entitled. If a motion to compel filed pursuant to Fed.R.Civ.P 37(a) is granted, the court “must, after giving an opportunity to be heard, require the party... whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” Pursuant to Fed. R. Civ. P. 37(a)(5)(A), Plaintiffs are awarded their reasonable expenses, including attorney’s fees, incurred in making this Motion. Within fourteen (14) days of the entry of this order, Plaintiffs shall file their affidavit of fees and expenses. Defendants shall have seven (7) days thereafter in which to file any response indicating circumstances which would make an award of expenses unjust.

**DEFENDANTS ARE WARNED THAT FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE IMPOSITION OF ADDITIONAL SANCTIONS UNDER FED. R. CIV. P. 37 INCLUDING STRIKING THE ANSWER OR RENDERING DEFAULT JUDGMENT AGAINST THE DISOBEDIENT PARTY OR PARTIES.**

**IT IS SO ORDERED** this 8<sup>th</sup> day of September, 2022.

s/ Charmiane G. Claxton  
CHARMIANE G. CLAXTON  
UNITED STATES MAGISTRATE JUDGE