

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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APEX INVESTMENT GROUP I, LLC,

Plaintiff,

v.

FANTASY HOUSE, INC., d/b/a  
FANTASY GIFTS,

Defendant.

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ORDER

06-C-519-C

On August 16, 2007, plaintiff filed a motion to compel discovery. *See* *dk.* 15. Pursuant to the January 3, 2007 preliminary pretrial conference order, defendant's response to this motion was due by August 21, 2007. *See* *dk.* 8 at 4. It is now August 31, and defendant has not provided any response. Even so, plaintiff is not entitled to prevail under a waiver theory; instead the court will consider the merits of the motion.

Plaintiff's unopposed proffer is that defendant has failed to respond in any fashion to interrogatories served on its attorney on July 6, 2007. Defendant's attorney has not responded to an inquiry letter telefaxed on August 8, to a telephonic message left on August 10, 2007, or a letter faxed and mailed on August 15.

This is pretty straightforward; absent an agreement to the contrary, interrogatory responses are due 30 days after service. Defendant's failure to respond in any fashion to plaintiffs' repeated inquiries, or to the instant motion, are puzzling and inexcusable in equal measure. (Also puzzling to the court is why plaintiff waited so long to serve interrogatories,

what with discovery closing on August 31 (today) and a bench trial firmly set for October 1, 2007. But that's not today's concern).

Therefore, it is ORDERED that Defendant has until September 14, 2007 within which to provide to plaintiff complete answers to all of plaintiff's interrogatories. Defendant has waived its right to object to any of these interrogatories, so complete answers means exactly that. If defendant fails to meet this obligation, then plaintiff promptly should notify the court, which will schedule a hearing before Judge Crabb at which defendant will have to show cause why default judgment should not be granted against it.

Entered this 31<sup>st</sup> day of August, 2007.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge