

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

ROBERT F. DELYON,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

ORDER

07-C-291-C

Before the court is the motion of defendant Wal-Mart Stores, Inc. for an order compelling plaintiff Robert F. Delyon to provide answers to defendant's First Interrogatories and Request for Production of Documents. According to defendant, it served its discovery requests on plaintiff on June 5, 2007. When plaintiff failed to respond, defendant's counsel followed up with a letter and then a voicemail to plaintiff's counsel asking for responses to the discovery requests. Plaintiff's deposition is scheduled for August 16, 2007. So far, defendant has received nothing from plaintiff and his lawyer has been *incommunicado*. Plaintiff has taken the same no-response approach with the court, failing to respond to defendant's motion to compel as directed in the preliminary pretrial conference order.

Plaintiff's lack of participation in his case is troubling. Failing to respond to interrogatories or respond to informal requests to do so is inconsiderate and demonstrates a lack of respect both for defendant and the seriousness with which this court treats its cases. Plaintiff had better step up and start playing ball or risk a court-declared forfeit.

Defendant's motion is GRANTED. Plaintiff must serve full and complete responses to defendant's discovery requests not later than noon on August 13, 2007.

Pursuant to Fed. R. Civ. P. 37(a)(4), plaintiff must pay the reasonable attorney fees and costs incurred by defendant in bringing this motion. Defendant may have until August 12, 2007 within which to submit an itemization of expenses incurred presenting its motion. Plaintiff may have until August 17, 2007 within which to object to the reasonableness of the claimed expenses.

Entered this 7th day of August, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge