

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JERMAINE BROWN AND KENYA
HENRY,**

Plaintiff,

v.

**CHARLIE'S/DIAMOND READY MIX,
INC.,**

Defendant.

2006-CV-0167

**TO: Lee J. Rohn, Esq.
Nathania M. Bates, Esq.
Emile A. Henderson, III, Esq.**

ORDER REGARDING PLAINTIFFS' MOTION FOR SANCTIONS

THIS MATTER came before the Court upon Plaintiffs' Motion For Sanctions Against Defendant For Failure to Comply with the Court Order Dated August 8, 2008 (Docket No. 35). The time for filing a response has expired.

Plaintiffs assert that Defendant has failed to provide responses to discovery, initially ordered by the Court to be served upon counsel for Plaintiff within ten (10) days from the date of the order (Docket No. 27) entered July 21, 2008. Defendant again was directed to produce the overdue discovery responses no later than August 18, 2008, by order (Docket No. 33) entered August 8, 2008.

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In the absence of a response, the Court finds that Defendant has failed to produce the discovery at issue and, thus, has violated the order of the Court. Consequently, the Court finds that a sanction is warranted. The Court will award some of Plaintiffs' requested attorney's fees associated with the filing of the current motion. The Court declines to threaten default in the event Defendant fails to comply with the terms of this order. However, in such an event, other sanctions will be imposed.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiffs' Motion For Sanctions Against Defendant For Failure to Comply with the Court Order Dated August 8, 2008 (Docket No. 35) is **GRANTED IN PART AND DENIED IN PART**.
2. Defendant shall serve upon counsel for Plaintiff the discovery responses, as ordered by Order Granting Plaintiff's Motion to Compel Defendant to Provide Responses to Discovery (Docket No. 27), on or before **November 20, 2008**.
3. Defendant shall pay Plaintiffs the sum of **\$300.00** for attorney's fees associated with the filing of the motion for sanctions within ten (10) days of the date of entry of this order and file notice of such payment with the Court.

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ENTER:

Dated: November 14, 2008

/s/

GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE