

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JERMAINE BROWN AND KENYA
HENRY,**

Plaintiff,

v.

2006-CV-0167

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

Defendant.

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

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DEFENDANT TO
PROVIDE RESPONSES TO DISCOVERY**

THIS MATTER came before the Court upon Plaintiffs Jermaine Brown and Kenya Henry's Motion to Compel Defendant to Provide Responses to Discovery (Docket No. 24). Defendant Charlie's/Diamond Ready Mix, Inc., (Diamond) has not filed a response to said Motion. The time for filing a response has expired.

Plaintiffs allege that said Defendant has completely failed to respond to Plaintiffs' Interrogatories and Demand for Production of Documents dated August 2, 2007. Motion at 1. Plaintiffs further allege that the parties met and conferred on March 4, 2008, and that Defendant has not performed as it represented that it would at such

Brown v. Charlie's/Diamond Ready Mix, Inc.
2006-CV-0167
Order Granting Plaintiffs' Motion to Compel
Page 2

conference. *Id* at 3. In addition, Plaintiffs claim that Diamond's failure to timely respond waives any objections to Plaintiffs' discovery requests. *Id* at 2.

According to Federal Rules of Civil Procedure 33(b)(4), "[a]ny ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure." *Id.* As this Court has previously stated, "The law is well settled that a party's failure to object to interrogatories within thirty (30) days of service thereof is considered a waiver of any objections they might have had." *Joseph v. General Engineering Co.*, No. Civ. 2000/48, 2002 WL 31618810 (D.V.I. April 15, 2002).

Here, the record reflects that said Defendant has not yet responded to Plaintiffs' discovery requests and that the time for filing such responses has expired. Consequently, the Court finds that Plaintiffs are entitled to responses to discovery as requested, having waived any objections.

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

1. Plaintiffs' Motion to Compel Defendant to Provide Responses to Discovery (Docket No. 24) is **GRANTED**.
2. Within ten (10) days from the date of entry of this order, Defendant shall serve upon counsel for Plaintiffs responses to Plaintiffs' Interrogatories and Demand For Production of Documents dated August 2, 2007.

Brown v. Charlie's/Diamond Ready Mix, Inc.

2006-CV-0167

Order Granting Plaintiffs' Motion to Compel

Page 3

3. Defendant has waived any objections to Plaintiffs' discovery requests.

ENTER:

Dated: July 21, 2008

_____/s/_____
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE