

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____-CVD-____

_____,
Plaintiff,
v.
_____,
Defendant.

**MOTION TO COMPEL
DISCOVERY RESPONSES**

Plaintiff/Defendant, pursuant to Rule 37 of the North Carolina Rules of Civil Procedure and N.C.G.S. § 50-21(e), hereby moves the Court for an order compelling Plaintiff/Defendant to respond to Plaintiff's/Defendant's First Request for Production of Documents and to Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant, and to pay Plaintiff's/Defendant's costs and attorney fees incurred in obtaining the order, and to impose other appropriate sanctions upon Plaintiff/Defendant. In support of her/his motion, Plaintiff/Defendant shows the Court as follows:

1. The parties were married to each other on _____, _____, and separated from each other on _____, _____.
2. Plaintiff/Defendant filed her/his Complaint on _____, _____, and Plaintiff/Defendant filed her/his Answer, Affirmative Defenses, and Counterclaims on _____, _____.
3. Plaintiff/Defendant served Plaintiff's/Defendant's First Request for Production of Documents and Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant on _____, _____, to which Plaintiff's/Defendant's responses were due on _____, _____. A copy of Plaintiff's/Defendant's discovery requests is attached hereto as Exhibit A and incorporated herein by reference.
4. Plaintiff/Defendant obtained an extension of time to respond to discovery requests. Plaintiff's/Defendant's discovery responses were due to Plaintiff/Defendant on _____, _____.
5. At the time of the filing of this motion, Plaintiff/Defendant has not responded to these discovery requests, to the letter from Plaintiff's/Defendant's attorney to Plaintiff's/Defendant's attorney concerning the discovery requests, or to Plaintiff's/Defendant's telephone messages concerning these requests.
6. Plaintiff's/Defendant's failure to respond to discovery has prejudiced Plaintiff/Defendant in that s/he has been denied necessary information to allow her/him to make informed decisions concerning her/his case and to continue to prepare for the trial of this matter.

Plaintiff/Defendant has incurred additional attorney fees because of Plaintiff's/Defendant's lack of response.

7. Plaintiff/Defendant is entitled to an order compelling Plaintiff/Defendant to produce the information requested in her/his discovery requests. In the alternative, Plaintiff/Defendant requests that the Court impose upon Plaintiff/Defendant a sanction deemed appropriate by the Court. In either case, Plaintiff/Defendant requests that the Court enter an order requiring Plaintiff/Defendant to reimburse Plaintiff/Defendant for her/his attorney fees incurred in the prosecution of this motion.

WHEREFORE, Plaintiff/Defendant respectfully prays the Court as follows:

1. That the Court enter an order compelling Plaintiff/Defendant to serve responses to Plaintiff's/Defendant's First Request for Production of Documents and to Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant, and compelling Plaintiff/Defendant to pay Plaintiff's/Defendant's costs and attorney fees incurred in obtaining said order;
2. Or, in the alternative, that the Court impose other appropriate sanctions upon Plaintiff/Defendant, together with a requirement that Plaintiff/Defendant pay Plaintiff's/Defendant's costs and attorney fees incurred in obtaining the order; and
3. That the Court grant unto Plaintiff/Defendant such other and further relief as the Court deems just and proper.

This the ___ day of _____, 20__.

_____, North Carolina _____

Telephone: (____) ____ - ____

Attorney for Plaintiff/Defendant