

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_-CVD-\_\_\_\_

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant.

)  
)  
) **MOTION FOR**  
) **SANCTIONS**  
)  
)  
)

Plaintiff/Defendant, pursuant to Rule 37(b)(2)(c) of the North Carolina Rules of Civil Procedure, moves the Court to enter an order [*state sanction*]. In support of her/his motion, Plaintiff/Defendant shows the Court as follows:

1. On \_\_\_\_\_, 20\_\_\_\_, Plaintiff filed a complaint for \_\_\_\_\_.
2. Defendant filed an Answer, Affirmative Defenses and Counterclaims in this matter on \_\_\_\_\_, 20\_\_\_\_.
3. Plaintiff/Defendant served his/her First Request for Production of Documents and Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant on \_\_\_\_\_, 20\_\_\_\_, to which Plaintiff's/Defendant's responses were due on \_\_\_\_\_, 20\_\_\_\_.
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 \_\_\_\_\_, 20\_\_\_\_, but were not served on Plaintiff/Defendant.
5. On \_\_\_\_\_, 20\_\_\_\_, Plaintiff/Defendant filed a Motion to Compel Discovery Responses and for Sanctions.
6. Plaintiff's/Defendant's motion came on for a properly noticed hearing on \_\_\_\_\_, 20\_\_\_\_, at which time the Court entered an order that required Plaintiff/Defendant to produce full responses to Plaintiff's/Defendant's First Request for Production of Documents and Plaintiff's/Defendant's First Set of Interrogatories to Plaintiff/Defendant no later than \_\_\_\_ p.m. on \_\_\_\_\_, 20\_\_\_\_. The Consent Order also required Plaintiff/Defendant to pay the sum of \$ \_\_\_\_\_ in attorney fees to Plaintiff's/Defendant's counsel no later than \_\_\_\_ p.m. on \_\_\_\_\_, 20\_\_\_\_.
7. Plaintiff/Defendant has/has not paid the sum of \$ \_\_\_\_\_ in attorney fees as required by the Order.

8. Plaintiff/Defendant has failed to produce any response to either of Plaintiff's/Defendant's discovery requests as required by the North Carolina Rules of Civil Procedure and by the Order entered by this Court.
9. Pursuant to Rules 37(b)(2)(c) of the North Carolina Rules of Civil Procedure, Plaintiff/Defendant is entitled to sanctions based on Plaintiff's/Defendant's failure to comply with the North Carolina Rules of Civil Procedure and failure to comply with this Court's Order.
10. Pursuant to Rule 37(b)(2)(c) of the North Carolina Rules of Civil Procedure, 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 requests that the Court:

1. Enter an order [*state sanction*] and compelling Plaintiff/Defendant to pay Plaintiff's/Defendant's costs and attorney fees incurred in obtaining said order; and
2. Grant unto Plaintiff/Defendant such other and further relief as the Court deems just and proper.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Attorneys for Plaintiff/Defendant

\_\_\_\_\_, NC \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_-\_\_\_\_