

Sample Motion to Compel

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION WASHINGTON FIELD OFFICE

IN THE MATTER OF:]	Current EEO File No.:
]	EEOC 123-45-6789X
Ive Ben Wronged,]	
]	
Complainant,]	
]	
vs.]	AGENCY #1-H-234-4567-89
]	
Daniel Glickman,]	OFO Appeal #01234567
Secretary, Department of Agriculture,]	
]	
Agency.]	

MOTION TO COMPEL RESPONSES TO DISCOVERY AND FOR SANCTIONS

Complainant respectfully requests that the Agency be compelled to respond to her Discovery and that the Agency be sanctioned.

1. In January 2004, Complainant's counsel filed a Motion for Sanctions and a Request for a Hearing with the EEOC in Washington, DC, which has never been responded to by the Agency (ROI pp 29-34).
2. Complainant's Counsel received the Acknowledgment Order in this case on July 6, 2005.
3. Discovery was filed with the Agency on July 21, 2005 (Attached).
4. The Agency's Responses to Discovery were due no later than Monday, August 22, 2005. To date, no Response has been received.
5. The Acknowledgment Order states:

Discovery motions, including motions to compel, must be filed within ten (10) calendar days after receipt of a deficient response or after the response to the discovery is due, whichever occurs first. Motions to compel and other discovery motions must be accompanied by the discovery requests and responses and a declaration stating that the moving party has made a good faith effort to resolve the discovery dispute. The declaration shall indicate the efforts made to resolve the dispute and identify which items remain in dispute. Statements in opposition to discovery motions must be filed within ten (10) calendar days of receipt of the motion. Rulings will be made based upon the written submissions. The failure to timely file objections to discovery may result in the objections being deemed waived.

6. A timely Motion to Compel would be filed on or before September 1, 2005.

7. A good faith effort has been made to resolve this dispute. Complainant's counsel emailed the Agency representative on August 30, 2005 at 1:00 a.m. and requested the status of the Agency responses, noting that if responses were not received by COB August 31, 2005, 40 days after service of discovery, a Motion to Compel would be filed.
8. The Agency's attorney replied, astonishingly, that as of August 31, 2005, she had not received any Discovery request from Complainant.
9. Of course, Complainant served her Discovery upon the same individual that all other documents had been served, including the Acknowledgment Order; the Motion to Amend the Issue, to Consolidate and for Sanctions; the Order to Show Cause, etc. The fax proof of delivery is attached to the Discovery, annexed hereto.
10. The Agency has refused to provide responses and has declined to provide any date that it will provide responses to Discovery.
11. The Agency's failure to provide any responses to Discovery is seriously hampering Complainant's ability to schedule depositions in this case, and to timely complete Discovery within the strict time deadlines contained in the Acknowledgment Order.

Since the Agency has failed to respond to Discovery, and has indisputably and unjustifiably delayed the EEO process, failed to investigate eleven (11) Complaints, failed to process two (2) full-fledged complaints and failed to conduct a proper investigation into the instant Complaint, appropriate sanctions should be levied.

Respectfully Submitted,

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