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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ricardo Barba, et al.,)	No. CV09-1115-PHX-SRB
Plaintiffs,)	ORDER
vs.)	
Seung Heun Lee, et al.,)	
Defendants.)	

On January 30, 2012, this Court authorized Defendants to serve interrogatories and requests for production of documents on the remaining pro se Plaintiffs and specifically ordered Plaintiffs to timely respond to discovery requests. Plaintiffs were warned that the failure to timely respond would result in the dismissal of that Plaintiff for failure to prosecute the case. Now pending before the Court are four Motions to Dismiss Plaintiff Tavantzis based on his failure to respond to interrogatories and requests for production of documents and for deficient responses.

The pending motions are: Defendants' Motion to Dismiss Plaintiff Tavantzis for Failure to Prosecute filed on March 12, 2012 by counsel for Defendants Lee but on behalf of all Defendants (Doc. 437), Defendant BR Consulting, Inc.'s Motion to Dismiss Plaintiff Tavantzis for Failure to Prosecute and Violation of Court Order filed March 12, 2012, filed on behalf of all Defendants (Doc. 434), Defendant BR Consulting, Inc. and Oasis Arabians,

1 LLC's Motion to Dismiss Plaintiff Tavantzis for Failure to Prosecute and Violation of Court
2 Order filed March 23, 2012 on behalf of all Defendants (Doc. 457), and Motion to Dismiss
3 Tavantzis filed by Defendant Tao Fellowship on April 2, 2012 on behalf of all Defendants
4 (Doc. 502). Plaintiff has responded to each motion and a reply has been filed in support of
5 each motion.

6 In response to the motion filed by Defendants Lee (Doc. 437), Tavantzis responds first
7 by complaining that the motion was sent to an incorrect address even though the docket
8 reflects that Tavantzis did not file his notice of change address with the Court as he was
9 instructed in the Court's January 30, 2012 Order. The address to which service of the Motion
10 to Dismiss was made was the mailing address on file with the Court on March 12, 2012.
11 Plaintiff also fails to justify his deficient response and instead makes suggestions as to what
12 the Defendants could do with his response to make it more accessible. The Court has been
13 hearing this same excuse for more than three years when Plaintiff was represented by
14 counsel. The Court has made clear since counsel withdrew that *pro se* Plaintiffs would be
15 given no leeway with respect to adequately responding to pending discovery requests that
16 had been outstanding for three years.

17 In response to Defendant BR Consulting, Inc.'s Motion to Dismiss (Doc. 434),
18 Plaintiff makes the same complaint about the address to which the motion was served that
19 he made in response to the motion filed by counsel for Defendants Lee. Additionally, he
20 suggests that he understood the interrogatories to be a request that they be answered within
21 30 days and not a deadline. He then purports to object to the interrogatories. Plaintiff does
22 not deny his complete failure to timely respond. Plaintiff was warned by the Court that the
23 failure to timely respond to discovery requests would result in dismissal. He has not
24 responded to the interrogatories served by Defendant BR Consulting, Inc. on behalf of all the
25 Defendants and has offered no legitimate excuse for that failure to respond.

26 The second motion filed by Defendant BR Consulting, Inc. (Doc. 457) addressed the
27 total lack of response to BR Consulting, Inc.'s requests for production of documents served
28 on Plaintiff. Plaintiff's single paragraph response suggests that he was not named in the text

1 of the motion but only in caption. He suggests the motion should also be denied because it
2 is unclear. What is clear to the Court is that Plaintiff has failed to provide any response to
3 the request for production of documents properly served by Defendant BR Consulting, Inc.

4 The final Motion to Dismiss was filed by Defendant Tao Fellowship (Doc. 502) and
5 complains about Plaintiff Tavantzis failure to respond to a request for production of
6 documents served on Plaintiff Tavantzis on February 8, 2012, consisting of only four
7 requests. In his response filed April 10, 2012, Plaintiff Tavantzis stated the following

8 After conducting a detailed search through all mailings from Defendants since
9 the Court Order on January 30th to reproduce Interrogatories and Requests for
10 Productions, I have not been able to find the specified Tao Fellowship's
Amended First Request for Production of Documents. I request that this
motion be denied and further that the Defendants resend their RFP. (Doc. 517).

11 Were this Plaintiff Tavantzis' only failure to respond to properly served interrogatories and
12 and requests for production of documents the Court might find some credence in the
13 response. However, it is apparent that Plaintiff Tavantzis has made little, if any, effort to
14 comply with the discovery requests that have been served upon him. Consistent with what
15 this Court ordered on January 30, 2012, all four motions will be granted and Plaintiff
16 Tavantzis will be dismissed for lack of prosecution.

17 IT IS ORDERED granting Defendant BR Consulting, Inc.'s Motion to Dismiss
18 Plaintiff Tavantzis for Failure to Prosecute and Violation of Court Order (Doc. 434).

19 IT IS FURTHER ORDERED granting Defendants Lee's Motion to Dismiss Plaintiff
20 Tavantzis for Failure to Prosecute (Doc. 437).

21 IT IS FURTHER ORDERED granting Defendants BR Consulting, Inc. and Oasis
22 Arabians, LLC's Motion to Dismiss Plaintiff Tavantzis for Failure to Prosecute and Violation
23 of Court Order (Doc. 457).

24 IT IS FURTHER ORDERED granting Tao Fellowship's Motion to Dismiss Plaintiff
25 Tavantzis (Doc. 502).

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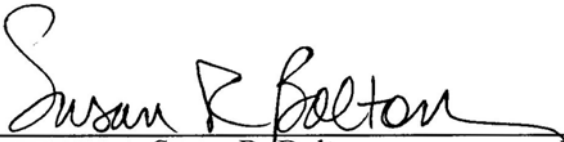
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1 IT IS FURTHER ORDERED directing the Clerk to enter judgment dismissing
2 Plaintiff Michael-John Tavantzis.

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DATED this 17th day of May, 2012.



Susan R. Bolton
United States District Judge