

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

BAKER & MCKENZIE LLP,

Plaintiff,

v.

CATHERINE BRENTZEL,

Defendant.

2020 CA 002867 B

Judge Yvonne Williams

ORDER GRANTING PLAINTIFF’S MOTION TO COMPEL AND FOR SANCTIONS

Before the Court is Plaintiff’s Motion to Compel Defendant’s Response to Interrogatories and Appearance at Deposition and for Sanctions, filed December 9, 2021. Defendant Brentzel did not file an Opposition. For the following reasons, this Motion shall be **GRANTED**.

This matter arises out of a Breach of Contract. Defendant has failed to appear in this entire case and Default Judgment was entered against her in March 2021. Plaintiff has been trying to satisfy the judgment since then. Plaintiff’s Motion requests that the Court do three things: (1) order Defendant to provide full and complete answers to Plaintiff’s Interrogatory Requests that were served 9/15/2021; (2) order Defendant to appear for a Deposition; and (3) award Plaintiff reasonable attorney’s fees and costs incurred in securing Defendant’s Compliance with judgment.

Defendant Brentzel did not respond to the Motion within the time allowed by Rule 12-I(e), so Rule 12-I(e) gives the Court discretion to treat the motion as conceded. Conceded motions that are substantive may generally be granted “where the movant has established a prima facie entitlement to relief,” and conceded procedural motions can be granted without any examination of the merits. *See District of Columbia v. Davis*, 811 A.2d 800, 804 (D.C. 2002).

Plaintiff has established at least a prima facie entitlement to an order compelling Defendant to respond to interrogatories and appear at a deposition. Plaintiff demonstrates that (1) it served Defendant with the discovery requests, (2) Defendant did not respond at all by the due date, and (3) it complied with its obligations under Rule 37(a)(1) to attempt to resolve the matter without court action. Plaintiff attached to its Motion several letters, emails, and texts to Defendant requesting the Defendant respond to interrogatories and appear at a deposition scheduled for November 8, 2021. [Exhibit A-E]. Plaintiff also included a letter requesting Defendant's cooperation with these requests prior to filing this Motion in an effort to resolve the dispute without court action. [Exhibit G].

Plaintiff has also made a prima facie case that sanctions are required. Rule 37(d) permits this Court to award sanctions where a Party has failed to respond to an interrogatory and, if served with proper notice, where a Party fails to appear for a deposition. The Defendant in this case has failed to do both. As such, the Court will order that the Defendant pay Plaintiff's attorney's fees incurred in filing a Motion to Compel. The Defendant in this case has not yet appeared, not responded after judgment was entered, and has not opposed this Motion. For these reasons, the Plaintiff's request for sanctions shall be granted. The Motions Hearing scheduled for February 23, 2022 shall be vacated, as it is now moot.

Accordingly, it is on this 22nd day of February hereby,

ORDERED that the Plaintiff's Motion to Compel Defendant's Response to Interrogatories and Appearance at Deposition and for Sanctions shall be **GRANTED**; it is further

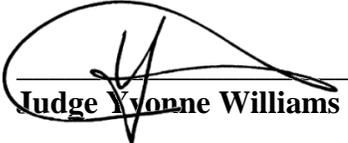
ORDERED that the Defendant provide full and complete answers to Plaintiff's Interrogatory Requests that were served 9/15/2021 by March 18, 2022; it is further

ORDERED that Defendant appear for a Deposition within the next 30 days; it is further

ORDERED that Plaintiff is awarded attorney's fees and is entitled to \$20,110.70 for the cost of obtaining Defendant's compliance and filing this motion; it is further

ORDERED that the Motion Hearing scheduled for February 23, 2022 at 2:00 p.m. is **VACATED**.

IT IS SO ORDERED.



Judge Yvonne Williams

Date: February 22, 2022

Copies to:

Michael L. Volkov
Graham Cronogue
Marisa Baker
Counsel for Plaintiff

Catherine Brentzel
Defendant

