

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES **PLAINTIFF**

VS. **CASE NO. 25CI1:22-cv-00286-EFP**

MISSISSIPPI COMMUNITY EDUCATION CENTER, INC., et al **DEFENDANTS**

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES'S
MOTION TO COMPEL DISCOVERY RESPONSES FROM PAUL
VICTOR LACOSTE AND VICTORY SPORTS FOUNDATION, INC.**

MDHS, through counsel and pursuant to Mississippi Rules of Civil Procedure 34 and 37, moves to compel Paul Victor LaCoste and Victory Sports Foundation, Inc. (“Defendants”) to respond to MDHS’s first request for production of documents within no more than ten days of entry of the Court’s Order. In support, MDHS states:

1. On June 23, 2022, MDHS served its first request for production to Defendants. *See* Elec. Mail, dated Jun. 23, 2022, attached as Ex. A; *see generally* MISS. R. CIV. P. 5(b)(1) (allowing electronic service); MISS. R. CIV. P. 34(b)(i) (requiring service of requests for production); Notice of Serv. [Doc. 142].

2. The request documents are relevant to MDHS’s averments and claims. *See* 1st Am. Compl. [Doc. 197]; 1st Req. for Produc. of Doc., attached as Ex. B.

3. Defendants’ responses were due by July 25, 2022. *See* MISS. R. CIV. P. 34(b)(ii) (requiring a response to requests for production within thirty days).

4. To date, Defendants have not provided responses to MDHS’s request for production, despite MDHS’s good-faith attempts to resolve the discovery dispute without burdening the court or expending limited resources.

5. On October 11, 2022, MDHS sent correspondence to Defendants, requesting they provide responses by October 18, 2022. *See* Correspondence, dated Oct. 11, 2022, attached as Ex. C.

6. Defendants responded, “I don't see where we received any discovery requests. Please send me the discovery requests. Thanks.” *See* Elec. Mail, dated Oct. 11, 2022, attached as Ex. D.

7. MDHS replied, providing the June 23, 2022 e-mail and the discovery request and inquiring as to how much time Defendants would need to respond. *See* Elec. Mail, dated Oct. 11, 2022, attached as Ex. E.

8. Defendants did not respond to that inquiry.

9. MDHS sent a second letter on November 9, 2022, requesting responses by November 15, 2022. *See* Correspondence, dated Nov. 8, 2022, attached as Ex. F.

10. Defendants did not respond.

11. Defendants’ discovery responses are overdue, and Defendants provide no basis for their failure to provide them.

12. MDHS requests, pursuant to Rule 37(a), entry of an order compelling Defendants’ responses within no more than ten days from entry of the order. *See* MISS. R. CIV. P. 34 (“The party submitting the request may move for an order to compel discovery under Rule 37(a) with respect to any . . . failure to respond to the request . . .”).

13. MDHS certifies it conferred in good faith with Defendants to resolve this discovery dispute and was not able to do so, because of Defendants’ non-responsiveness as required by Uniform Civil Rule of Circuit and County Court 4.03(C).

14. Given the straightforward nature of the MDHS's request, no brief accompanies the motion.

Accordingly, the Court should grant this Motion, compelling Defendants to respond to MDHS's discovery requests within no more than ten days and granting such other relief the Court deems appropriate.

Respectfully submitted, this the 11th day of May, 2023.

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

By Its Attorneys,
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/s/ Clarence Webster, III
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CERTIFICATE OF SERVICE

I hereby certify that on this day I served a true and correct copy of the above and foregoing via MEC, the Court's filing system, to all counsel of record.

This the 11th day of May, 2023.

/s/ Clarence Webster, III
CLARENCE WEBSTER, III