

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA  
GUNTERSVILLE DIVISION**

KEITH A. KUBERT, et. al.	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
v.	)	
	)	CV-04-0244
TOBYE SCHEER, et. al.	)	
Defendants.	)	
	)	

**MOTION TO COMPEL DISCOVERY**

Plaintiffs, Keith A Kubert and Brenda C. Kubert, move this court to enter an order compelling defendants, Tobye Scheer and Steele & Associates-Century 21 Realty, to respond to plaintiffs' discovery request. In support of said motion plaintiffs' state as follows:

1. On September 8, 2004, defendants, Tobye Scheer and Steele & Associates, were served with plaintiffs' First Set of Interrogatories and Request for Production of Documents.
2. On October 6, 2004, defendants, Tobye Scheer and Steele & Associates-Century 21 Realty, served on plaintiffs their objections to plaintiffs' discovery request.
3. On October 18, 2004, ten days after discovery was due and defendants still had not produced a single document requested, plaintiffs sent a letter to counsel of record requesting that discovery be produced immediately. *See attached.*
4. Defendants by and through their attorney of record responded to plaintiffs' further request for discovery by letter dated October 19, 2004, wherein counsel promised that discovery would be forthcoming *within a week or so.*

**FILED**

NOV 3 2004

SHERRY C. GRIEP  
CIRCUIT / DISTRICT CLERK  
MARSHALL COUNTY, ALABAMA