

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIEL HUMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

**FISHER INVESTMENTS, INC., AND
SMART ASSET ADVISORS, LLC,**

Defendants.

Case No. 4:24-cv-01177-MTS

JURY TRIAL DEMANDED

DEFENDANT FISHER INVESTMENTS, INC.'S MOTION TO COMPEL

Pursuant to the Court's March 14, 2025 Order (ECF No. 63), Defendant Fisher Investments ("Fisher"), by and through its undersigned counsel, hereby moves this Court for an Order compelling discovery from Plaintiff Daniel Human in this case. Specifically, Fisher requests that this Court compel Mr. Human to: (1) fully respond to Fisher's discovery requests in this case, including providing complete answers to the interrogatories and producing all documents responsive to Fisher's document request; (2) sit for his deposition within 7 days of fully responding to discovery; (3) comply with Fisher's device inspection request, including by producing whatever is left of a desktop computer he apparently destroyed immediately before the court-ordered device inspection deadline. Fisher also requests that the Court dismiss Mr. Human's Amended Complaint and impose monetary sanctions to compensate Fisher for its attorneys' fees and costs incurred as a result of Mr. Human's many violations of the Court's orders and his discovery obligations.

In support of its Motion, Fisher relies upon its contemporaneously filed memorandum of law and the declarations and supporting exhibits filed in support.

Dated: March 19, 2025

Respectfully submitted,

/s/ Alexander D. Terepka

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Attorneys for Defendant Fisher Investments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this March 19, 2025, I caused to be electronically filed the foregoing document in the United States District Court for the Eastern District of Missouri, with notice of same being electronically served via email to Plaintiff's counsel.

/s/ Alexander D. Terepka
Alexander D. Terepka