

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

GUANG CHEN,

Plaintiff,

-vs-

Case No. 2:09-cv-752-FtM-99SPC

DESOTO COUNTY, FLORIDA, a political
subdivision of the State of Florida,

Defendant.

ORDER

This matter comes before the Court on The Plaintiff, Guang Chen's Motion to Compel Rule 26 Disclosures (Doc. #32) filed on April 16, 2010. The Defendant filed its Response in Opposition (Doc. # 34) on April 23, 2010. The Motion ripe for review.

The Plaintiff moves the Court to Compel the Defendant to disclose its Rule 26 initial discovery. While it is true that a party must make its initial discovery pursuant to Rule 26, that discovery disclosure is not required until after the Case Management and Scheduling Order is filed with the Court. In this instance, no Case Management and Scheduling Order has been filed with the Court. Moreover, the Defendant states that it has already provided the Plaintiff with its Rule 26 discovery materials. Thus, the Motion is due to be denied. Accordingly, it is now

ORDERED:

The Plaintiff, Guang Chen's Motion to Compel Rule 26 Disclosures (Doc. #32) is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 26th day of April, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record