

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

GUANG CHEN,

Plaintiff,

-vs-

Case No. 2:09-cv-752-FtM-36SPC

DESOTO COUNTY, FLORIDA, a political
subdivision of the State of Florida, and
JASON GREEN, individually and as County
Planning Manager for DeSoto County, Florida,

Defendants.

ORDER

This matter comes before the Court on the Plaintiff, Guang Chen's Motion to Compel Verified Answers to Discovery (Doc. #53) filed on October 1, 2010. No response or opposition has been filed by the Defendant and the time to do so has expired. Thus, the Court will review the matter without benefit of a response.

Pursuant to Fed. R. Civ. P. (33)(a) a corporate party or in this case a county government is required to designate an agent to answer and sign interrogatory responses. The same is true under Fed. R. Civ. P. 34, and 36 for request for production and request for admissions. According to the Plaintiff, the Defendant did not verify its answers and responses to his discovery request. In fact, the Defendant's response and answer to the discovery is entitled "Defendant's Notice of Service of Unverified Answers to Plaintiff's Second Interrogatories Combined with Request for Admissions and Request to Produce." It appears that the Defendant did not comply with the Federal Rules. Therefore, the Motion is due to be granted.

In addition to the Motion to Compel verified answers to the interrogatories and requests for production of documents, the Plaintiff also moves for sanctions pursuant to Fed. R. Civ. P. 37(a)(4)(A). Under Rule 37, the Court may deny a request for expenses “if it determines that opposition to the motion was substantially justified or that other circumstances would make an award of expense[s] unjust.” Reedy v. Lull Engineering Co., Inc., 137 F.R.D. 405, 409 (M.D. Fla. 1991). At this point in the proceedings, the Court does not find just cause that would require the Court to impose attorney’s fees and sanctions.

Accordingly, it is now

ORDERED:

(1) The Plaintiff, Guang Chen’s Motion to Compel Verified Answers to Discovery (Doc. #53) is **GRANTED**. The Defendant DeSoto County has up to and including **November 5, 2010**, to produce verified answers and production to the Plaintiff’s Second Interrogatories, Request for Production, and Request for Admissions.

(2) The Plaintiff, Guang Chen’s Motion for Sanctions is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 25th day of October, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record