

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

WAYNE FIORE, on his own behalf and others similarly situated, and WARNER N. ELKINS, CHARLES BOGGS, ERIC CRONCE, BRENDA D. SMITH, CASEY HAMLIN, CHRISTOPHER TIEDEMANN, SCOTT WANDELL, JAMES BETTS, JUSTIN SPURLOCK, MICHAEL HOFFMAN, RICHARD ANDERSON, MICHAEL HONDLIK, SCOTT DUNN, BELA HALMI, MISTY SANCHEZ, ERIK SHERMAN, APOLO PLATON, as opt-in plaintiffs,

Plaintiffs,

-vs-

Case No. 2:09-cv-843-FtM-29SPC

GOODYEAR TIRE & RUBBER COMPANY, an Ohio Corporation,

Defendant.

ORDER

This matter comes before the Court on Defendant's Motion to Compel Plaintiffs' Production of Documents Responsive to Request No. 1 of Defendant's Request for Production (Doc. #192) filed on February 24, 2012, and the Defendant's Motion to Compel Deposition of Plaintiff Erik Sherman (Doc. # 193) filed March 7, 2012. However, since filing these motions, the parties reached an agreement which fully resolves Plaintiffs' Fair Labor Standards Act and state law claims. Therefore, the matters are now moot and due to be denied.

Accordingly, it is now

ORDERED:

1. Defendant's Motion to Compel Plaintiffs' Production of Documents Responsive to Request No. 1 of Defendant's Request for Production (Doc. #192) is **DENIED as moot**.

2. Defendant's Motion to Compel the Deposition of Plaintiff Erik Sherman(Doc. # 193) is **DENIED as moot**.

DONE AND ORDERED at Fort Myers, Florida, this 26th day of March, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record