

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

**LESLIE A. FATTORUSSO and
GERALD N. HARRINGTON,**

Plaintiffs,

V.

Case No: 2:10-CV-201-FtM-SPC

**THE M/V WANDERER II, PETE D.
GARRIGUS, BLAYNES AUTO AIR,
INC. and BLAYNE HASS**

Defendants.

_____ /

ORDER

This matter comes before the Court on the Plaintiffs, Leslie A. Fattorusso and Gerald N. Harrington's Unopposed Motion to Compel Discovery (Doc. #104) filed on March 26, 2012. Pursuant to M.D. Fla. Local Rule 3.01(g), the Plaintiffs conferred with the Defendant Blayne Hass who states that he does not object to an order compelling the requested production.

The Federal Rules state that, “[t]he party upon whom the request [for production] is served shall serve a written response within 30 days after the service of the request.” Fed. R. Civ. P. 34(b). Likewise, a party upon whom interrogatories have been served has 30 days to respond either by filing answers or objections to the propounded interrogatories. Fed. R. Civ. P. 33(b). If the serving party does not receive a response to their interrogatories and request for production, then the serving party may request an order compelling disclosure. Fed. R. Civ. P. 37(a).

Whether or not to grant the motion to compel is at the discretion of the trial court. Commercial Union Insurance Co. v. Westrope, 730 F.2d 729, 731 (11th Cir. 1984).

The Plaintiff's served Interrogatories, a Second Request for Production and a Request for Admissions on the Defendant, Blayne Hass, on February 21, 2012. The Defendant's responses to the discovery request were due on March 23, 2012. To date the Defendant Hass has not responded nor objected to the discovery request. Therefore, the Plaintiffs move the Court to compel the Defendant to provide requested discovery within seven (7) days of the Court's Order. Given that the Defendant has failed to comply with the Federal Rules and further that he does not oppose the Motion, the Court finds good cause to grant the Motion to Compel.

Accordingly, it is now

ORDERED:

The Plaintiffs, Leslie A. Fattorusso and Gerald N. Harrington's Unopposed Motion to Compel Discovery (Doc. #104) is **GRANTED**. The Defendant Blayne Hass has up to and including **April 3, 2012**, to provide full and complete response to the Plaintiffs' Interrogatories, Second Request for Production and Request for Admissions.

DONE and ORDERED in Fort Myers, Florida this 27th Day of March, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record