

**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

BLAYNE HASS,

Defendant.

ORDER

This matter comes before the Court on the Plaintiffs, Leslie A Fattorusso and Gerald N. Harrington's Motion to Compel Post Judgment Discovery (Doc. #126) filed on November 30, 2012. A party may conduct post-judgment discovery to acquire information about the existence of a judgment debtor's assets or any transfers thereof. Fed. R. Civ. P. 69(a)(2).

In this instance, the Plaintiff served the Defendant Blayne Hass with interrogatories and request for production on October 11, 2012, in aid of execution of the Amended Final Judgment (Doc. # 122) issued by this Court on August 2, 2012. To date, the Defendant has not responded to the requested discovery in any way. The Plaintiff now moves the Court to compel the Defendant to answer the interrogatories and produce 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 Defendant has failed to comply with the Federal Rules of Civil Procedure and the time to do so has expired. Therefore, good cause exists to grant the Motion. The Plaintiff requests that the answers and production be produced within seven (7) days of the Court's Order. The Court does not find that a week is sufficient and will allow the Defendant twenty (20) days to comply and produce the requested discovery.

Accordingly, it is now

ORDERED:

The Plaintiffs, Leslie A Fattorusso and Gerald N. Harrington's Motion to Compel Post Judgment Discovery (Doc. #126) is **GRANTED**. The Defendant Blayne Hass has up to and including **December 23, 2012**, to fully answer the interrogatories and produce the requested production.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of December, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record