

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

**NATIONWIDE MUTUAL
INSURANCE COMPANY,**

Plaintiff,

v.

Case No: 2:10-cv-749-FtM-99SPC

**FORT MYERS TOTAL REHAB
CENTER, INC., PETER REITER and
DAVID PITNO,**

Defendants.

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ORDER

This matter comes before the Court on Plaintiff Nationwide's Motion for Sanctions Against Peter Reiter, D.C. (Doc. #49) filed on September 4, 2012. Plaintiff seeks sanctions against Defendant Peter Reiter for failure to respond to discovery in aid of execution. A consent judgment was entered against Defendants on November 30, 2011 (Doc. #39) and an Order awarding additional money in attorney fees and costs was awarded on April 2, 2012 in favor of Plaintiff. (Doc. #47). Plaintiff represents in the instant Motion that Defendant Reiter has failed to cooperate with discovery even though the Court has ordered that Plaintiff may proceed with discovery in aid of execution. Defendant Reiter is advised that he is required to participate and respond to discovery requests submitted by Plaintiff to him. At this time the Court will direct Defendant Reiter to respond to Plaintiff's Motion for Sanctions. The response should show good cause as to why Defendant Reiter failed respond to discovery requests from Plaintiff.

Accordingly, it is now

ORDERED:

(1) Defendant Peter Reiter is directed to file a response to Nationwide's Motion for Sanctions Against Peter Reiter, D.C. (Doc. #49) with the Court. Defendant shall have up to and including **September 19, 2012** to do so.

(2) **Failure to respond could result in the Court granting Plaintiff's Motion without the benefit of a response, with an award of sanctions up to and including contempt and arrest.**

DONE and ORDERED in Fort Myers, Florida this 5th day of September, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record