

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: FIDDLER'S CREEK, LLC

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FIDDLER'S CREEK, LLC,

Plaintiff,

v.

Case No: 2:14-cv-379-FtM-29CM

NAPLES LENDING GROUP LC  
and DANIEL CARTER,

Defendants.

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**ORDER**

Before the Court are Defendants' Motion to Compel Plaintiff to Provide Proper Rule 26(a) Initial Disclosures on Damages ("Motion to Compel") (Doc. 105), filed on June 22, 2015, and Plaintiff's Memorandum in Opposition to Naples Lending's Motion to Compel Plaintiff to Provide Proper Rule 26(a) Initial Disclosures on Damages (Doc. 128), filed on July 16, 2015; and Plaintiff's Motion for Leave to Exceed Ten (10) Depositions ("Motion to Exceed") (Doc. 129), filed on July 16, 2015, and Defendants' Response in Opposition to Plaintiff's Motion for Leave to Exceed Ten (10) Depositions (Doc. 136), filed on August 3, 2015.

Pursuant to the parties' Joint Request for Hearing on Pending Discovery Motions (Doc. 131), the undersigned held a hearing on the Motion to Compel and Motion to Exceed on August 18, 2015. Docs. 132, 133, 148. For the reasons stated

on the record, the Motion to Compel will be denied without prejudice and the Motion to Exceed will be granted in part and denied in part.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendants' Motion to Compel Plaintiff to Provide Proper Rule 26(a) Initial Disclosures on Damages (Doc. 105) is **DENIED without prejudice**.

2. Plaintiff's Motion for Leave to Exceed Ten (10) Depositions (Doc. 129) is **GRANTED in part and DENIED in part**. The motion is granted to the extent that Plaintiff may take an additional **six (6)** depositions. Should Plaintiff require further depositions in excess of the additional six (6) permitted by this Order, the depositions only may be taken upon agreement of the parties with Plaintiff to bear both parties' costs and fees associated with each.

**DONE and ORDERED** in Fort Myers, Florida on this 20th day of August, 2015.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record