

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: FIDDLER'S CREEK, LLC

FIDDLER'S CREEK, LLC,

Plaintiff,

v.

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

NAPLES LENDING GROUP LC
and DANIEL CARTER,

Defendants/Third
Party Plaintiff

AUBREY FERRAO, ANTHONY
DINARDO and WILLIAM
REAGAN,

Third Party Defendants.

ORDER

This matter comes before the Court upon review of Defendant Daniel Carter's ("Carter") Unopposed Motion to File Document under Seal pursuant to Order (Doc. 446) filed on November 14, 2016 and Plaintiff's Motion for Leave to Exceed Twenty-Five (25) Pages (Doc. 448) filed on November 18, 2016. Carter seeks to file under seal his response to Plaintiff's motion (Doc. 444), and Plaintiff seeks to exceed the page limit and file a reply. Docs. 446, 448. Plaintiff and Third-Party Defendants do not oppose Carter's motion to file under seal. Doc. 446 at 3. Carter opposes Plaintiff's motion (Doc. 448). Doc. 449.

On October 25, 2016, Plaintiff filed under seal a Motion to Compel Complete Compliance with the Court's Order [DE 309]. Doc. 444. Plaintiff's motion seeks to compel Carter's compliance with the Court's Order (Doc. 309) and Carter's production of documents and to impose sanctions on Carter for his violation of the Court's Order (Doc. 309). Doc. 444 at 1.

Carter seeks to file under seal his response to Plaintiff's motion to compel compliance. Doc. 446 at 2. Carter states that his proposed response relates to his deposition, taken on October 5, 2016, which is associated with the parties' adversary proceedings in the United States Bankruptcy Court. *Id.* During the adversary proceedings, U.S. Bankruptcy Judge K. Rodney May entered an Agreed Order and Stipulation Regarding Confidential and Privileged Information. *Id.*; Agreed Order and Stipulation Regarding Confidential and Privileged Information, *In re: Fiddler's Creek, LLC*, Case. No. 8:11-ap-522-KRM, Doc. No. 141 (Bankr. M.D. Fla. 2013). Carter states that his deposition falls under the protections of the Agreed Order and Stipulation Regarding Confidential and Privileged Information. Doc. 446 at 2. Based on the above reason, Carter's motion to file under seal is due to be granted.

Before the Court ruled on Carter's motion to file his response under seal, Plaintiff filed a Motion for Leave to Exceed Twenty-Five (25) Pages. Doc. 448. Plaintiff states that United States District Judge Paul A. Magnuson¹ ordered moving parties to file a reply to all pending motions and allowed moving parties to have a total of twenty-five pages for the motion, memorandum in support, and reply. Docs.

¹ This matter was reassigned to Judge Magnuson on November 1, 2016. Doc. 442.

441 at 2-3, 448 at 2. Plaintiff asserts that Judge Magnuson's Order compelled moving parties to file a reply. Doc. 448 at 2. Plaintiff argues, however, that it needs the Court's leave to exceed the page limit and file a reply because Plaintiff's memorandum in support of its motion to compel consists of twenty-five pages. *Id.* at 1.

Here, Plaintiff's motion is premature for two reasons: first, Plaintiff has not sought the Court's leave to file a reply pursuant to Local Rule 3.01(c), and second, Carter has not filed a response to Plaintiff's motion (Doc. 444). Plaintiff should be aware that the undersigned will continue to hear the parties' motions related to discovery, such as Plaintiff's motion to compel compliance with the Court's discovery order (Doc. 444).

ACCORDINGLY, it is hereby

ORDERED:

1. Defendant Daniel Carter's Unopposed Motion to File Document under Seal pursuant to Order (Doc. 446) is **GRANTED**. Defendant Daniel Carter is permitted to file under seal a response to Plaintiff's Motion to Compel Complete Compliance with the Court's Order [DE 309] (Doc. 444).

2. Plaintiff's Motion for Leave to Exceed Twenty-Five (25) Pages is **DENIED as premature**.

DONE and **ORDERED** in Fort Myers, Florida on this 28th day of November,
2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record