

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STEPHEN MORETTO,

Plaintiff,

v.

Case No.: 2:16-cv-908-FtM-38MRM

WEXFORD HEALTH SOURCE,

Defendant.

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OPINION AND ORDER¹

Before the Court are Plaintiff Stephen Moretto's Motion to Extend Discovery Deadline ([Doc. 137](#)) and Motion of Emergency Nature² ([Doc. 139](#)). Moretto, a prisoner of the Florida Department of Corrections, sued Defendant Wexford Health Source for deliberate indifference under 42 U.S.C. § 1983 and the Eighth Amendment. ([Doc. 82](#)). He alleges Wexford failed to provide adequate dental treatment for his broken teeth and improperly fitting partials, despite Moretto's repeated requests.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

² The Court reviewed this motion when it was filed and determined it did not warrant expedited review.

On July 15, 2020, the Court entered an Order ([Doc. 125](#)) setting October 30, 2020 as the discovery deadline. The Order required the parties to “timely serve all further discovery requests so the other side may respond before the deadline.” ([Doc. 125 at 2](#)). Moretto now asks for additional time to complete discovery due to his limited access to legal resources during a COVID-19 outbreak. He sent Wexford a fifth set of interrogatories on October 8, 2020, and a fourth set of requests for production of documents on October 15, 2020. Moretto considers these requests very important to his case. Although Wexford likely *could* have answered the requests before the deadline, it presumably considered them untimely and declined not to do so.³

Given the limitations caused by the COVID-19 crisis, the Court will grant Moretto’s motions in part. Moretto’s fifth set of interrogatories and fourth set of requests for production of documents are deemed timely. To the extent Moretto’s motions request other relief, they are denied. The Court declines to otherwise extend the deadlines.

Accordingly, it is now

ORDERED:

³ Wexford responded to Moretto’s motions and did not claim to have answered the requests.

(1) Plaintiff Stephen Moretto's Motion to Extend Discovery Deadline (Doc. 137) and Motion of Emergency Nature (Doc. 139) are **GRANTED in part.**

(2) Wexford is **ORDERED** to respond to Moretto's fifth set of interrogatories and fourth set of requests for production of documents within **fourteen (14) days** of this Order.

DONE and ORDERED in Fort Myers, Florida on December 7, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record