

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARY RHEA,

Plaintiff,

v.

Case No: 2:17-cv-448-FtM-38CM

BUCKEYE CHECK CASHING OF
FLORIDA, LLC,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant's Motion to Stay Discovery and for Protective Order (Doc. 28) filed on October 25, 2017, Defendant's Opposed Motion for Enlargement of Time (Doc. 32) filed on November 6, 2017 and Plaintiff's Motion to Compel Defendant's Discovery Responses (Doc. 33) filed on November 7, 2017. On October 6, 2017, Plaintiff served her first set of discovery requests on Defendant. Doc. 33 at 2. On October 19, 2017, Defendant filed a renewed motion to stay all proceedings. Doc. 25. Subsequently, Defendant filed a motion to stay discovery pending the Court's ruling on the motion to stay and a motion for extension of time seeking additional thirty (30) days to serve discovery responses. Docs. 28, 32. Plaintiff opposes the requested relief and also filed a motion to compel Defendant to produce discovery requests. Doc. 33. Defendant opposes the motion to compel. Doc. 36. On November 21, 2017, United States District Judge Sheri Polster Chappell denied Defendant's motion to stay all proceedings. Doc. 37.

The Court first will deny as moot Defendant's motion to stay discovery because it seeks to stay discovery pending judicial resolution of Defendant's motion to stay all proceedings, which Judge Chappell already denied. Docs. 28, 37. Next, Defendant seeks additional thirty days to respond to Plaintiff's discovery requests given its motions to stay all proceedings and discovery. Doc. 32. Plaintiff opposes the requested extension, arguing that Defendant's request for an extension of time did not comply with the Local Rules and is an attempt to justify Defendant's non-compliance with the Federal Rules of Civil Procedure. Doc. 35. Instead, Plaintiff seeks to compel Defendant to serve discovery requests. Doc. 33. Defendant responds that its request for an extension of time is to provide enough time for judicial resolution of the pending motions and not to incur unnecessary discovery costs. Doc. 36 at 3.

As noted, Judge Chappell denied Defendant's motion to stay all proceedings, and this Court will deny as moot Defendant's motion to stay discovery, both of which resolve Defendant's underlying concerns. Doc. 37. Furthermore, Defendant's response makes clear that Defendant seeks additional time to respond to, not to avoid, Plaintiff's discovery requests. Docs. 36 at 3. Accordingly, the Court does not find necessary at this time to grant Plaintiff's motion to compel discovery. Doc. 33. The Court also will grant Defendant's motion for extension and direct Defendant to produce discovery requests within thirty (30) days of this Order, as it promised to do in its motion for extension. Doc. 32 at 2.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendant's Motion to Stay Discovery and for Protective Order (Doc. 28) is **DENIED as moot.**

2. Defendant's Opposed Motion for Enlargement of Time (Doc. 32) is **GRANTED.** Defendant shall have up to and including **December 29, 2017** to respond to Plaintiff's discovery requests served on October 6, 2017.

3. Plaintiff's Motion to Compel Defendant's Discovery Responses (Doc. 33) is **DENIED without prejudice.**

DONE and ORDERED in Fort Myers, Florida on this 30th day of November, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record