

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**JAMES MOORE, JR. , as Personal
Representative of THE ESTATE OF
TERRI ANN MOORE**

Plaintiff,

v.

Case No: 5:14-cv-670-Oc-30PRL

WALGREENS CO.

Defendant.

ORDER


This wrongful death action is before the Court for consideration of Defendant's Unopposed Motion to Compel Deposition of Plaintiff James Moore, Jr., pursuant to Rule 37 of the Federal Rules of Civil Procedure (Doc. 12).

Defendant recites that Plaintiff James Moore, Jr., is the Personal Representative of the Estate of Terri Ann Moore, as well as decedent's husband. Plaintiff's Complaint alleges that the decedent, Terri Anne Moore, sustained an injury during a slip and fall at Defendant's Walgreens store on July 21, 2011, and that the resulting grief and depression from that injury caused the decedent to commit suicide on October 6, 2013. (Doc. 2).

Defendant scheduled and properly noticed the deposition of Plaintiff, James Moore, Jr., on June 17, 2015 in Ocala, Florida, and later on July 22, 2015. Defendant recites that it has been forced to cancel the deposition of Plaintiff on both occasions due to Plaintiff's failure to appear for his deposition and, apparently, due to his failure to communicate and cooperate with his own counsel. Defendant's motion recites that counsel for Plaintiff consents to the relief requested.

Accordingly, pursuant to Fed. R. Civ. P. 37, Defendant's Unopposed Motion to Compel Deposition of Plaintiff is **GRANTED**, and Plaintiff James Moore Jr. is **ORDERED** to appear for his properly noticed deposition within 45 days of the date of this Order. Plaintiff is cautioned that failure to comply with this Order could result in sanctions under Fed. R. Civ. P. 37(b)(2)(A), which may include dismissal of this action in whole or in part.

DONE and **ORDERED** in Ocala, Florida on July 30, 2015.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties