

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

JAMES WILLIAMS,

Plaintiff,

v.

Case No: 5:15-cv-282-Oc-32PRL

TCGC, LLC and WALTER VIVEIROS

Defendants.


ORDER

Following Defendants' default in this case pursuant to the Fair Labor Standards Act, final judgment was entered on August 3, 2016 in favor of Plaintiff and against Defendant in the amount of \$7,680.00. (Doc. 16). Plaintiff has now filed a post-judgment Motion for Sanctions and to Compel Deposition (Doc. 17), to which Defendants have failed to respond.

As stated in the motion, Defendant has refused to make payments to satisfy the judgment, and Plaintiff attempted to take the deposition of Defendant Walter Viveiros, as well as the corporate representative of Defendant TCGC, LLC with the most knowledge concerning the finances of the Defendant, pursuant to Fed. R. Civ. P. 30(B)(6). (Doc. 17-1). Plaintiff contends that, despite sufficient notice, Defendant did not appear. Plaintiff thus requests that the Court compel Defendant's attendance at a deposition in regards to the judgment within the next 15 days. Although Plaintiff's motion requests that the Court compel the "Defendant's appearance," the Court construes that request to include both Defendant Walter Viveiros and the corporate representative of TCGC, LLC with the most knowledge concerning the finances of the Defendant, as set forth in the deposition notice. (Doc. 17-1).

Accordingly, Plaintiff's motion to compel (Doc. 17) is **GRANTED**, and Defendants Walter Viveiros and TCGC, LLC, through its corporate representative, are hereby **COMPELLED** to appear at a properly noticed deposition **within 15 days** of the entry date of this Order. Further, it appears that Plaintiff is entitled to an award of expenses incurred due to Defendants' non-appearance at the previously noticed deposition, and the filing of the motion to compel. Accordingly, Plaintiff may file a motion for sanctions and/or for assessment of reasonable expenses, supported by evidence. In the interest of efficiency, Plaintiff may submit a single motion after all expected expenses associated with the instant discovery dispute has concluded.

DONE and **ORDERED** in Ocala, Florida on October 26, 2016.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties