

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

LYNN KASSEM,

Plaintiff,

v.

Case No: 5:15-cv-623-Oc-30PRL

**MATT MARTIN, DEBI CONNOR, DC
SALES & ENTERTAINMENT, LLC and
DC SALES AND MARKETING, LTD**

Defendants.

ORDER

On May 30, 2017, the Court issued an order setting forth a discovery plan related to Plaintiff's access of Debi Connor's email account. (Doc. 115). The Court's intervention was necessitated by the parties' failure to reach consensus as to how discovery should proceed. After considering the parties' arguments and available information, the Court ordered specific discovery to be exchanged and authorized depositions to be taken over the course of a 90-day period and provided that if, during that period, any additional discovery was sought by either party "that the parties cannot otherwise agree to after good faith consultation with each other, the party may file an appropriate motion, setting out the nature of the discovery sought, to what end it is sought, and why the discovery is warranted under the factors set forth in Rule 26." (Doc. 115 at 14). Plaintiff has now filed such a motion seeking to compel the deposition of Debi Connor. (Doc. 117).

As an initial matter, in reviewing the motion and Defendants' response thereto, it is clear that the parties have not engaged in a "good faith consultation" regarding Plaintiff's request to take Debi Connor's deposition. This alone would be a sufficient basis to deny Plaintiff's motion. However, the motion is also due to be denied as premature.

The Court spent considerable time crafting the discovery plan outlined in its May 30, 2017 Order. Now, Plaintiff argues that Debi Connor's deposition should be compelled based almost entirely upon excerpts of the Court's Order—which notably did not authorize the deposition of Debi Connor. Thus, although cast as a motion to compel, Plaintiff is effectively asking the Court to reconsider its discovery plan. The Court declines to do so. The parties have already filed notices advising that they have complied with certain paragraphs of the discovery order and depositions of Nicole Imbriglio, Lynn Kassem, and Alliah Kassem have been set for later this month. Once this discovery has been completed, Plaintiff may renew her motion to depose Debi Connor, but only after, conferring in good faith with opposing counsel.

DONE and ORDERED in Ocala, Florida on July 14, 2017.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties