

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

PATRICIA DOUGLAS,

Plaintiff,

v.

Case No: 6:15-cv-1185-Orl-22TBS

KOHL'S DEPARTMENT STORES, INC.,

Defendant.

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**ORDER**

This case comes before the Court on Plaintiff's Motion to Lift Defendant's Claim that their Call Logs are "Confidential" (Doc. 55). Defendant has filed a response in opposition to the motion (Doc. 65), and the matter is ripe for a decision.

During a seven month period, Defendant allegedly made 578 telephone calls to Plaintiff using an automated telephone dialing system in an attempt to collect a debt (Doc. 54 at 1). Plaintiff claims that all of these calls were made in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(a)(A)(iii) and the Florida Consumer Collection Practices Act, FLA. STAT. § 559.55 *et seq.* (Id.). Defendant contends that Plaintiff provided her telephone number when she applied for credit, that she consented to being called, and that she never revoked her consent (Doc. 68 at 3-4).

In discovery, Plaintiff sought copies of Defendant's call logs documenting the telephone calls made to her (Id., at 1). Defendant refused to produce the call logs unless Plaintiff agreed that they are confidential (Id.). Plaintiff consented to a confidentiality agreement covering the call logs and Defendant produced them (Id., at 1-2). The confidentiality agreement permits Plaintiff to use the information in the call logs but she

may not file the actual logs (Id., at 2). Now, Plaintiff seeks an order removing the call logs from the ambit of the confidentiality agreement.

Plaintiff's motion is premature. She has not explained why she needs to file the call logs if she can use the information in them. She has also not explained how she intends to use the call logs if her motion is granted. The Court is not in the habit of making decisions on issues that do not appear to have any bearing on the case. Therefore, Plaintiff's motion is **DENIED without prejudice**.

**DONE and ORDERED** in Orlando, Florida on August 2, 2016.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record