

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

BADGER AUCTIONEERS, INC.,

Plaintiff,

v.

Case No: 6:16-cv-572-Orl-31TBS

ZAID ALI and MY FRESH MARKET  
CORP.,

Defendants.

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**ORDER**

This matter comes before the Court on Plaintiff's Unopposed Motion to Compel Production of Documents, pursuant to Federal Rule of Civil Procedure 69(a)(2) (Doc. 169).

Rule 69 provides that “[i]n aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person - including the judgment debtor - as provided in these rules or by the procedure of the state where the court is located.” FED. R. CIV. P. 69(a)(2). Just as is the case with pre-judgment discovery, “[r]esponses and objections to discovery requests must be made within thirty days of being served.” United States v. Arnao, Case No. 8:16-cv-2553-T-30JSS, 2017 WL 1251582, at \*1 (M.D. Fla. April 5, 2017) (citing FED. R. CIV. P. 33(b)(2), 34(b)(2)). If the deadline is not met, the party to whom a response is due “may move for an order compelling disclosure or discovery.” Id. (citing FED. R. CIV. P. 37). The Court’s discretion over Rule 69 motions is broad. Id. Standard discovery rules apply, including the requirement that the information sought be relevant. See Parrott, Inc. v. NiceStuff Distrib. Int’l, Inc., Case No. 06-61231-CIV-DIMITROULES/ROSENBAUM, 2008 WL 11332025, at \*2 (S.D. Fla. Dec. 9, 2008).

This case was tried to a jury on February 28 and March 1, 2018 (Docs. 131 and 135). The jury returned a verdict in favor of Plaintiff, and against Defendant Zaid Ali for \$74,991.01 (Doc. 149). The Clerk of Court entered judgment the next day (Doc. 150). On March 23, 2018, Plaintiff propounded the following post-judgment discovery to Ali, pursuant to FED. R. CIV. P. 69(a)(2):

**INTERROGATORY NO. 1:** “Please fill out the enclosed Supplemental Examination Worksheet and return the notarized document to our office.”

**REQUEST NO. 1:** “Please provide copies of Your state and federal income tax returns for the tax years 2010 to present, including any attachments and schedules. If you received a K-1 form for any of those tax years, please provide copies of the state and federal income tax returns from the corporation or other entity from which you received a K-1 form for those years.”

(Doc. 169 at 1). Ali has failed to respond to this discovery and the time within to do so has elapsed (Id.). Plaintiff now moves for a Court order compelling Ali to provide the discovery (Id.). Counsel for Ali does not oppose the relief sought in the motion (Id.).

Accordingly:

(1) The motion to compel (Doc. 169) is **GRANTED**. Within fourteen (14) days from the rendition of this Order, Ali shall **ANSWER** Interrogatory No. 1 in full, under oath, and **PRODUCE** to Plaintiff all information in his possession or under his control that is responsive to Request for Production No. 2.

(2) Plaintiff is **AWARDED** its reasonable attorney’s fees and costs associated with the motion to compel. The parties shall agree on the amount, or, if they are unable to agree, Plaintiff shall have fourteen (14) days from the rendition of this Order to file its motion for fees and costs and Ali will be allowed fourteen (14) days thereafter to respond.

DONE and ORDERED in Orlando, Florida on June 18, 2018.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record