

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SHARON REUBEN,

Plaintiff,

v.

Case No: 6:17-cv-1120-Orl-41TBS

DOLLAR TREE STORES, INC.,

Defendant.

ORDER

This case comes before the Court without a hearing on Plaintiff's Motion for Sanctions (Doc. 36). Defendant has not filed a response to the motion and the time within to do so has expired. When a party fails to respond, that is an indication that the motion is unopposed. Foster v. The Coca-Cola Co., No. 6:14-cv-2102-Orl-40TBS, 2015 WL 3486008, at *1 (M.D. Fla. June 2, 2015); Jones v. Bank of Am., N.A., 564 Fed. Appx. 432, 434 (11th Cir. 2014)¹ (citing Kramer v. Gwinnett Cty., Ga., 306 F.Supp.2d 1219, 1221 (N.D. Ga. 2004); Daisy, Inc. v. Polio Operations, Inc., No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015) (when defendant did not respond court could consider motion to compel unopposed); Brown v. Platinum Wrench Auto Repair, Inc., No. 8:10-cv-2168-T-33TGW, 2012 WL 333803, at *1 (M.D. Fla. Feb. 1, 2012) (after party failed to respond, court treated motion for summary judgment as unopposed). The Court proceeds on the basis that Defendant does not oppose the relief requested in the motion.

¹ "Unpublished opinions are not considered binding precedent, but may be cited as persuasive authority." CTA11 Rule 36-2.

Plaintiff took the FED. R. CIV. P. 30(b)(6) deposition of Defendant and now complains that the witness produced by Defendant was not sufficiently knowledgeable to answer her questions (Doc. 36). Discovery has closed, and Plaintiff seeks the following sanctions to penalize Defendant for this alleged discovery violation:

that DOLLAR TREE STORES, INC. be precluded from asserting a position and introducing evidence at trial with regard to the subject incident and requests made to have the "exit door" at the subject Dollar Tree only open from the inside, the reason such request was made, and the time which such request was granted and implemented. Further, Plaintiff requests that the Court order DOLLAR TREE STORES, INC., to pay Plaintiff's attorney's fees and costs for the April 3, 2018, deposition and for filing this Motion for Sanctions.

(Id., at 14). Because the motion is unopposed, it is **GRANTED** without the Court having reached the merits of Plaintiff's arguments. Plaintiff is awarded all of the relief prayed for in her motion. The parties have 14 days from the rendition of this Order to resolve the issue of Plaintiff's attorney's fees and costs or, alternatively, for Plaintiff to file her application for fees and costs.

DONE and ORDERED in Orlando, Florida on May 21, 2018.


THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record