

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

**UNITED STATES OF AMERICA and  
JESSICA ELS,**

**Plaintiffs,**

v.

**Case No: 6:19-cv-1884-CEM-DCI**

**ORLANDO HEART & VASCULAR  
CENTER, LLC and VINEEL  
SOMPALLI,**

**Defendants.**

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**ORDER**

Attorneys Todd Foster and Kevin Darken of the Todd Foster Law Group, LLC represent Orlando Heart and Vascular Center, LLC (the Corporate Defendant) and Vineel Sompalli, M.D. (the Individual Defendant) in this matter. Pending before the Court is Defendants' counsels' unopposed motion to withdraw as counsel for Defendants. Doc. 102 (the Motion to Withdraw). The Court held a hearing on the Motion to Withdraw on January 18, 2023. The Motion to Withdraw is due to be granted in part.

Also pending before the Court are Relator's four motions to compel, all filed on December 27, 2022. Docs. 98, 99, 100, 101 (the Motions to Compel). Neither Defendant responded to the Motions to Compel and the time to do so has passed. Doc. 72. The Court routinely grants motions as unopposed where the opposing parties have not filed a response in opposition to the motion. *See* Local Rule 3.01(c); *see also Foster v. The Coca-Cola Co.*, 2015 WL 3486008, at \*1 (M.D. Fla. June 2, 2015) (finding that a motion to compel was unopposed a because the opposing party failed to timely respond to the motion). Thus, the Motions to Compel are due to be granted.

The Court notes that Relator did not request attorney fees in the Motions to Compel and the Court otherwise finds that the circumstances of this case make an award of fees unjust. Fed. R. Civ. P. 37(a)(5).

Accordingly, for the foregoing reasons and for the reasons stated at the hearing, it is hereby **ORDERED** that:

- 1) Relator's Second Motion to Compel Response to First Request to Produce to OHVC (Doc. 98) is **GRANTED**, such that:
  - a. Corporate Defendant's objections are deemed waived; and
  - b. **On or before February 8, 2023**, Corporate Defendant shall fully respond to Relator's First Request for Production to Orlando Heart & Vascular Center, LLC (Doc. 98-1);
- 2) Relator's Second Motion to Compel Response to First Interrogatories to Orlando Heart and Vascular Center (Doc. 99) is **GRANTED**, such that:
  - a. Corporate Defendant's objections are deemed waived; and
  - b. **On or before February 8, 2023**, Corporate Defendant shall fully respond to Relator's First Set of Interrogatories to Orlando Heart & Vascular Center, LLC (Doc. 99-1);
- 3) Relator's Motion to Compel Response to Third Interrogatories to OHVC (Doc. 100) is **GRANTED**, such that:
  - a. Corporate Defendant's objections are deemed waived; and
  - b. **On or before February 8, 2023**, Corporate Defendant shall fully respond to Relator's Third Set of Interrogatories to Orlando Heart & Vascular Center, LLC (Doc. 100-1);

- 4) Relator's Motion to Compel Response to First Interrogatories to Vineel Sompalli (Doc. 101) is **GRANTED**, such that:
- a. Individual Defendant's objections are deemed waived; and
  - b. **On or before February 8, 2023**, Individual Defendant shall fully respond to Relator's First Set of Interrogatories to Vineel Sompalli, M.D. (Doc. 101-1);
- 5) The Motion to Withdraw (Doc. 102) is **GRANTED in part** such that:
- a. Attorneys Todd Foster and Kevin Darken are hereby terminated and withdrawn as counsel for both Corporate Defendant and Individual Defendant in this case;
  - b. Attorneys Todd Foster and Kevin Darken shall immediately serve a copy of this Order upon both Corporate Defendant and Individual Defendant, and on or before **January 25, 2023**, shall file a notice with the Court confirming that the Order was served upon both Corporate Defendant and Individual Defendant and stating exactly how the Order was served and upon whom it was served;
  - c. Both Corporate Defendant and Individual Defendant remain obligated to comply with all pending deadlines and orders in this case, and are cautioned that any motion not responded to within the time provided by the rules of this Court may be deemed unopposed and ruled upon without further warning (*see* Local Rule 3.01(c));
  - d. Corporate Defendant is cautioned that business entities cannot proceed in this Court without counsel, and **the Court will not send any papers,**

**pleadings or correspondence to Corporate Defendant at the addresses provided in the Motion** (*see* Local Rule 2.02(b));

- e. Until and unless he retains counsel, Individual Defendant will proceed as a *pro se* litigant. As a *pro se* litigant, Individual Defendant is subject to the same laws and rules of court as litigants who are represented by counsel, including the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Local Rules of the United States District Court for the Middle District of Florida (the “Local Rules”).<sup>1</sup> *See Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989);
- f. In particular, if Individual Defendant needs additional time to comply with any deadline set by the Case Management and Scheduling Order, he must file a motion with the Court seeking an extension of time supported by good cause and, as with all motions, must confer in person or by telephone with opposing counsel prior to filing the motion and certify in the motion that conferral occurred (Local Rule 3.01(g));
- g. Individual Defendant is cautioned that a failure to comply with the deadlines in this case set by the rules and orders of this Court may result in sanctions including but not limited to the entry of a default judgment for failure to litigate;

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<sup>1</sup> All filings with the Court must be made in accordance with the Federal Rules of Civil Procedure and the Local Rules. The Local Rules are available for review on the public website for the Middle District Court of Florida at [www.flmd.uscourts.gov](http://www.flmd.uscourts.gov) and a copy may be obtained by visiting the Clerk’s office. The Federal Rules of Civil Procedure are generally available for review at public libraries throughout the country and in the law libraries of state and federal courthouses.

- h. The Court specifically cautions both Individual Defendant and Corporate Defendant that their obligations to timely respond to Relator's discovery requests in accordance with the Court's ruling on the Motions to Compel (Docs. 98, 99, 100, 101) are **not** stayed pending retention of new counsel; and
- i. To the extent the Motion to Withdraw contains a request for an extension, that request is **DENIED without prejudice**.

**ORDERED** in Orlando, Florida on January 18, 2023.



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DANIEL C. IRICK  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties