

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

KENNETH BYNDOM,

Plaintiff,

v.

Case No: 6:23-cv-1971-JA-LHP

WAFFLE HOUSE, INC. and EAST  
COAST WAFFLES, INC.,

Defendants

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**ORDER**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: DEFENDANTS' MOTION TO COMPEL PLAINTIFF  
TO RESPOND TO DISCOVERY (Doc. No. 33)**

**FILED: January 17, 2025**

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**THEREON it is ORDERED that the motion is DENIED.<sup>1</sup>**

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<sup>1</sup> Plaintiff did not file a timely response to the motion. See Doc. No. 15 ¶ 5 (providing that opposition briefing to a discovery motion must be filed no later than five days after the motion). However, on January 23, 2025, Plaintiff filed a "Notice of Compliance" stating that he responded to the discovery requests. Doc. No. 34. As discussed below, to the extent that Plaintiff's "Notice of Compliance" does not moot the

The Case Management and Scheduling Order (“CMSO”) provides that “[e]ach party must timely serve discovery requests allowing for responses *prior to* the discovery deadline.” Doc. No. 14, at 3 (emphasis added). The discovery deadline was January 17, 2025. *Id.* at 1. So, Defendants’ service of discovery on Plaintiff on December 18, 2024, making Plaintiff’s responses due January 17, 2025, is non-compliant with the CMSO. Moreover, the motion to compel was also prematurely filed, as it was filed on January 17, 2025, before the time for Plaintiff to respond to the discovery had lapsed. *See also id.* at 3 (“The Court may deny as untimely motions to compel filed after the discovery deadline.”)

For these reasons, Defendants’ motion to compel (Doc. No. 33) is **DENIED**.

**DONE** and **ORDERED** in Orlando, Florida on January 27, 2025.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties

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motion, the motion is due to be denied on the merits even absent a response.