

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WILLIAM WEAVER,

Plaintiff,

v.

Case No: 6:23-cv-2059-CEM-LHP

GREEN SOLUTIONS OF FLORIDA
LLC,

Defendant

ORDER

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

**MOTION: PLAINTIFF'S MOTION TO COMPEL RESPONSES
TO DISCOVERY (Doc. No. 34)**

FILED: September 17, 2024

THEREON it is ORDERED that the motion is GRANTED.¹

¹ The Court notes that the motion fails to comply with the spacing requirements set forth in Local Rule 1.08. Going forward, future motions that fail to fully comply with all Local Rules may be stricken or summarily denied without further notice.

In this case arising under the Telephone Consumer Protection Act (“TCPA”) and related Florida law, Plaintiff moves to compel Defendant to respond to Plaintiff’s Request for Production 19 (“RFP 19”), to which Defendant objected. Doc. No. 34; Doc. No. 34-1, at 6. RFP 19 seeks documents pertaining to certain information about outbound telemarketing calls sent by Defendant or its vendors, and Defendant objected on the grounds that RFP 19 is “overbroad and harassing,” that the putative class is overbroad, Defendant does not engage in telemarketing as defined under relevant law, and the information is not relevant. Doc. No. 34-1, at 6.

Although Plaintiff states that the parties conferred regarding RFP 19, Plaintiff states that the parties reached an impasse on this issue at conferral. Doc. No. 34, at 3. Nonetheless, Defendant has not responded to Plaintiff’s motion to compel, and its time for doing so expired on September 23, 2024. *See* Doc. No. 18 ¶ 5 (providing that opposition briefing to a discovery motion must be filed no later than five days after the motion); *see also* Fed. R. Civ. P. 6(a)(1)(C). Accordingly, the Court deems Plaintiff’s motion to be unopposed in all respects. *See* Doc. No. 18 ¶ 5 (stating that failure to file a timely response *will* result in the discovery motion being deemed unopposed); *see also Westchester Surplus Lines Ins. Co. v. Paramount Disaster Recovery, LLC*, No. 6:18-cv-1738-Orl-37DCI, 2019 WL 5294804, at *1 (M.D. Fla. Apr. 19, 2019) (“The Court routinely grants motions as unopposed where the opposing parties

have not filed a response in opposition to the motion.”); *Bercini v. City of Orlando*, No. 6:15-cv-1921-Orl-41TBS, 2016 WL 11448993, at *2 (M.D. Fla. Sept. 28, 2016) (granting in full unopposed motion to compel); *Daisy, Inc. v. Pollo 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).

Upon review of the unopposed motion, and the related discovery attached, the Court finds the motion (Doc. No. 34) well taken. Accordingly, it is **ORDERED** as follows:

1. Plaintiff’s Motion to Compel Responses to Discovery (Doc. No. 34) is **GRANTED**.
2. Within **fourteen (14) days** of the date of this Order, Defendant shall produce to Plaintiff all documents within its current possession, custody, or control responsive to RFP 19. *See* Doc. No. 34-1, at 6.
3. All objections to the discovery at issue have been waived by the failure to timely respond to the motion to compel. *See, e.g., Jackson v. Geometrica, Inc.*, No. 3:04-cv-640-J-20HTS, 2006 WL 213860, at *1 (M.D. Fla. Jan. 27, 2006) (objections not addressed in response to a motion to compel are deemed abandoned); *Bercini*, 2016 WL 11448993, at *2 (same).

4. Failure to comply with this Order may result in sanctions. See Fed. R. Civ. P. 37(b).²

DONE and ORDERED in Orlando, Florida on September 24, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

² Plaintiff does not request an award of fees and costs or any other relief in his motion, *see* Fed. R. Civ. P. 37(a)(5); accordingly, the Court declines to award any further relief at this time.