

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MARTHA C. RIVERA,

Plaintiff,

v.

CASE NO: 8:10-cv-2328-T-26TGW

TRANSITIONS OPTICAL, INC.,

Defendant.

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**ORDER**

Defendant has filed a motion to compel Plaintiff, proceeding *pro se*, to comply more fully with certain responses to interrogatories and requests for production of documents. Defendant has attached to the motion as composite exhibit B Plaintiff's position with regard to Defendant's efforts to secure this information. The Court determines that her position runs contrary to Rule 26(b)(1) of the Federal Rules of Civil Procedure in that Defendant is entitled to this discovery because such "discovery appears reasonably calculated to lead to the discovery of admissible evidence."<sup>1</sup>

Accordingly, it is ordered and adjudged as follows:

- 1) Defendant's Motion to Compel Discovery (Dkt. 22) is granted.
- 2) Plaintiff shall provide Defendant on or before August 29, 2011, complete and accurate answers to Interrogatories 1, 2, 3, 4, and 18. With regard to Interrogatory 18, Plaintiff shall list *only* those individuals whom she in good faith intends to call at the trial of this case, together with the topics about which they may testify.

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<sup>1</sup> In Light of this determination, the Court needs no response from Plaintiff.

3) Plaintiff shall produce to Defendant on or before August 29, 2011, the documents requested in Requests for Production 12, 13, and 18. If Plaintiff claims she does not possess any of the documents requested, she shall file an affidavit executed under penalties of perjury to that effect.

4) Defendant shall have the right to redepose Plaintiff for a period of no longer than four (4) hours.

5) The Court defers ruling on whether to allow Defendant to exceed the ten-deposition limit until after Plaintiff has complied in good faith with the answer to Interrogatory 18.

6) The discovery deadline is extended until October 31, 2011.

7) In recognition of Plaintiff's *pro se* status, the Court will at this time decline to award attorney fees and costs to Defendant for the time expended in bringing this motion. Plaintiff is cautioned, however, that if she does not comply with the directives of this order and Defendant is forced to file another motion to compel, that appropriate sanctions will be imposed.

**DONE AND ORDERED** at Tampa, Florida, on August 8, 2011.

*s/Richard A. Lazzara*

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**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record  
Plaintiff, *pro se*