

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EDWARD J. GIL, JR.,

Plaintiff,

v.

Case No: 8:15-cv-1003-T-36JSS

DAVID LEON, DAVID LEON, RANDY
KELLY, RANDY KELLY, CHRIS
NOCCO, COUNTY OF PASCO and
PASCO COUNTY SHERIFF'S OFFICE,

Defendants.

ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION

THIS MATTER is before the Court on Plaintiff's Emergency Motion for Reconsideration. (Dkt. 62.) Plaintiff moves the Court to reconsider its order dated October 6, 2016, which extended the discovery deadline for the sole purpose of conducting Plaintiff's deposition and compelled Plaintiff to appear for his deposition by October 28, 2016. (Dkt. 56.) Shortly thereafter, the discovery deadline was extended until January 6, 2017, and Plaintiff filed the instant Motion for Reconsideration to allow for his deposition to be conducted by January 6, 2017. While the motion was pending, however, Plaintiff failed to appear for his deposition on October 28, 2016, as ordered by the Court. Additionally, as indicated by Defendants, Plaintiff has repeatedly failed to appear for his deposition after multiple attempts by Defendants to schedule the deposition and accommodate Plaintiff's schedule. (Dkt. 66.)

Although the Court acknowledges Plaintiff's reasons for requesting reconsideration, absent an order granting reconsideration, Plaintiff was required to comply with the Court's prior order. *Cf. Middle District Discovery (2015) at § VII.B; Hepperle v. Johnston*, 590 F.2d 609, 613 (5th Cir. 1979) (finding that the existence of a pending motion does not relieve a party of his or her

duty to comply with the requirements of discovery); *see Creative Solutions Grp., Inc. v. Pentzer Corp.*, 199 F.R.D. 443, 444 (D. Mass. 2001) (finding that the obligation to comply with an order compelling discovery is not excused by the filing of a motion for reconsideration). As such, Plaintiff was required to appear for his deposition, notwithstanding his outstanding motion for reconsideration. Accordingly, it is **ORDERED** that Plaintiff's Emergency Motion for Reconsideration (Dkt. 62) is **DENIED**. Plaintiff must appear for his deposition by December 9, 2016. Plaintiff's continued failure to appear at his deposition and failure to comply with the Court's orders will result in sanctions.

DONE and **ORDERED** in Tampa, Florida, on November 8, 2016.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record