

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

**NIELSEN AUDIO, INC.,**

**Plaintiffs,**

v.

**Case No.: 8:15-cv-2435-T-27AAS**

**BUBBA CLEM, a/k/a Bubba The  
Love Sponge, and BUBBA RADIO  
NETWORK, INC.,**

**Defendants.**

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**ORDER**

Before the Court are Defendants' Motion to Compel Production of Documents from Non-Party Media Rating Council, Inc., with Memorandum of Law and Certificate of Good Faith (Doc. 95) and Plaintiff's Motion to Compel Production of Documents and Things by Non-Party Jeffrey Curry (Doc. 97).

On February 2, 2016, the Honorable James D. Whittemore, United States District Judge, entered a Case Management and Scheduling Order ("CMSO") in this action. (Doc. 25). The discovery deadline originally was set to expire on August 11, 2016. (*Id.*). On July 18, 2016, Judge Whittemore extended the discovery deadline to December 9, 2016. (Doc. 50). On November 29, 2016, Judge Whittemore further extended the discovery deadline to January 9, 2017. (Doc. 60).

On January 6, 2017, Judge Whittemore extended the discovery cut-off for expert witnesses to January 20, 2017, but made clear in his order that the discovery deadline was not extended. (Doc. 69). On February 8, 2017, Judge Whittemore further extended the discovery cut-off for expert witnesses to March 15, 2017. (Doc. 89).

Defendants' Motion to Compel Production of Documents from Non-Party Media Rating Council, Inc. and Plaintiff's Motion to Compel Production of Documents and Things by Non-Party Jeffrey Curry were filed on February 28, 2017 and March 3, 2017, respectively. (Docs. 95, 97). The discovery deadline in this action expired on January 9, 2017. (Doc. 60). The pending motions to compel do not relate to expert witnesses. Instead, the motions seek the production of various documents from non-parties. Thus, these motions, filed almost two months the discovery deadline, are untimely.

The Middle District Discovery Handbook provides:

The Court ordinarily sets a discovery completion date through its [CMSO] ... The Court follows the rule that the completion date means *that all discovery must be completed by that date* ... Counsel, by agreement, may conduct discovery after the formal completion date *but should not expect the Court to resolve discovery disputes arising after the discovery completion date*.

Middle District Discovery (2001) at F.1 (emphasis added). Therefore, the pending motions to compel are due to be denied. *See Suarez v. Sch. Bd. of Hillsborough Cty.*, No. 8:13-CV-1238-T-17MAP, 2014 WL 12620821, at \*2 (M.D. Fla. March 3, 2014); *Signature Pharmacy, Inc. v. Soares*, No. 6:08-CV-1853-ORL-31, 2010 WL 9103125, at \*4 (M.D. Fla. Feb. 3, 2010); *U.S. ex rel. Kaimowitz v. Ansley*, No. 3:04-CV-1344-J-20, 2006 WL 680801, at \*1 (M.D. Fla. March 14, 2006).

Accordingly and upon consideration, it is **ORDERED**:

Defendants' Motion to Compel Production of Documents from Non-Party Media Rating Council, Inc., with Memorandum of Law and Certificate of Good Faith (Doc. 95), and Plaintiff's Motion to Compel Production of Documents and Things by Non-Party Jeffrey Curry (Doc. 97) are **DENIED**.

**DONE AND ORDERED** in Tampa, Florida on this 8th day of March, 2017.

*Amanda Arnold Sansone*

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AMANDA ARNOLD SANSONE  
United States Magistrate Judge