

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LOEL A. JOHNSON,

Plaintiff,

v.

Case No: 8:15-cv-2948-T-30JSS

ABF FREIGHT SYSTEM, INC.,

Defendant.

**ORDER ON DEFENDANT'S MOTION
TO COMPEL PLAINTIFF'S DISCOVERY RESPONSES**

THIS MATTER is before the Court on Defendant's Motion to Compel Plaintiff's Discovery Responses ("Motion"). (Dkt. 29.) Plaintiff did not file a written response to the Motion. On January 27, 2017, the Court held a hearing on the Motion. For the reasons stated at the hearing and below, the Motion is granted.

The Motion requests discovery related to Plaintiff's alleged damages and Plaintiff's income, which is relevant to Defendant's affirmative defense of Plaintiff's mitigation of damages (Interrogatories 3, 6, and 13, and Requests for Production 3, 8, and 10), and Plaintiff's Facebook profile (Request for Production 20). (Dkt. 29.) Defendant's 3.01(g) Certificate stated that, after conferring with Plaintiff's counsel, Plaintiff agreed to provide supplement responses to all of the interrogatories in dispute and to produce documents responsive to all production requests in dispute except for Request for Production 20.

The Court agrees with Defendant that supplementation or correction, as applicable, of Plaintiff's responses is warranted. With respect to Request for Production 20, Plaintiff's response states that he does not have responsive documents, but Plaintiff's counsel stated at the hearing that Plaintiff has a Facebook profile. Thus, correction of this response is required. Fed. R. Civ. P.

26(e)(1). While discovery of Plaintiff's Facebook profile should not be unlimited, Plaintiff did not object to this request and this request seeks discovery relevant to Plaintiff's damages claim and Defendant's affirmative defense of Plaintiff's mitigation of damages. However, the Court limits Plaintiff's production in response to Request for Production 20 to the following categories for the time period of Plaintiff's allegations: Plaintiff's Facebook profile, information regarding Plaintiff's fishing-related employment, pictures, and comments, and private messages regarding his employment. Plaintiff's supplemental responses and production shall be served on Defendant's counsel by January 31, 2017.

Accordingly, it is **ORDERED** that the Motion (Dkt. 29) is **GRANTED**.

DONE and **ORDERED** in Tampa, Florida, on January 27, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record