

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

**SHAWN THOMAS KALETA, an individual,
and BEACH TO BAY CONSTRUCTION,
LLC, a Florida Limited Liability Company,**

Plaintiffs,

v.

Case No.: 8:16-cv-347-T-27AAS

CITY OF ANNA MARIA,

Defendant.

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ORDER

This matter is before the Court on Plaintiffs' Emergency Motion to Compel Discovery (Doc. 42), and Defendant's response thereto (Doc. 44).

Plaintiffs request an order compelling Defendant to produce all documents responsive to Plaintiffs' Request for Production of Documents, granting additional time to submit their expert report, and awarding Plaintiffs their fees and costs for bringing the motion. (Doc. 42). In response, Defendant asserts that it has served Plaintiffs with a supplemental response, consisting of over 4,000 pages of documents. (Doc. 44). In addition, Defendant states that it will continue to work to assemble additional responsive documents, if any exist, and produce those documents "in the near future." (*Id.* at p. 3).

Accordingly, it is **ORDERED:**

(1) Plaintiffs' Emergency Motion to Compel Discovery (Doc. 42) is **GRANTED in part and DENIED in part.**

(2) Defendant shall provide documents responsive to Plaintiffs' Request for Production of Documents, if any exist, no later than **May 9, 2017**. If no responsive documents exist, Defendant must supplement its response accordingly.

(3) The deadline for expert disclosures is extended to **May 19, 2017**. Rebuttal expert disclosures are due **May 31, 2017**. The discovery cut-off is extended to **June 9, 2017**. All other case deadlines and dates (*see* Doc. No. 37) shall remain in effect.

(4) Upon review of the motion and response, the Court concludes that each party shall be responsible for its own attorneys' fees and costs incurred in connection with this motion. *See* Fed. R. Civ. P. 37(a)(5). However, the Court reminds the parties that "[d]iscovery in this district should be practiced with a spirit of cooperation and civility." Middle District Discovery (2015) at p. 3. Further, "[t]he Court expects attorneys to reach agreements regarding the production of documents based upon considerations of reasonableness, convenience and common sense." *Id.* at p. 14. A party responding to a discovery request is under an obligation to make a diligent effort to respond to that request within the time set forth in the Federal Rules of Civil Procedure.

DONE AND ORDERED in Tampa, Florida on this 2nd day of May, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge