

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GOETZ D. VEHSE,

Plaintiff,

v.

Case No: 8:16-cv-599-T-33JSS

LIBERTY MUTUAL FIRE INSURANCE
COMPANY,

Defendant.

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ORDER ON DEFENDANT'S MOTION FOR SANCTIONS

THIS MATTER is before the Court on Defendant's Motion for Order to Show Cause and for Sanctions. (Dkt. 32.) Defendant moves for an order to show cause and sanctions against Plaintiff's disclosed expert, Sonny Gulati, P.E., and for an order excluding Mr. Gulati as a witness in this litigation on the basis that Mr. Gulati twice failed to appear for his deposition. A hearing was held on this matter on December 1, 2016, before the undersigned. For the reasons stated at the hearing, it is **ORDERED** that Defendant's Motion for Order to Show Cause and for Sanctions (Dkt. 32) is **GRANTED** in part and **DENIED** in part. Mr. Gulati is hereby ordered to appear for his deposition by December 8, 2016. Plaintiff shall pay Defendant its reasonable attorneys' fees and costs associated with Mr. Gulati's failure to appear at his deposition on October 6, 2016, and November 7, 2016, and the costs and fees incurred in filing the Motion for Order to Show Cause and for Sanctions. *See Valente v. J.C. Penney Corp.*, 437 F. App'x 858, 860 (11th Cir. 2011) (providing that matters pertaining to discovery are committed to the sound discretion of the district court, including orders imposing discovery sanctions); *In re Sunshine Jr. Stores, Inc.*, 456 F.3d 1291, 1304 (11th Cir. 2006) (providing that "[f]ederal courts have the inherent power to impose sanctions on parties, lawyers, or both" when a party delays or disrupts the litigation); Fed. R. Civ.

P. 45(g) (providing that the court may hold in contempt a person who, having been served, fails without adequate excuse to obey a subpoena).

DONE and ORDERED in Tampa, Florida, on December 2, 2016.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record