

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

MATTHEW MASHON,

Plaintiff,

v.

Case No.: 8:16-cv-1185-T-36AAS

**NORAMA RESORTS, LLC and
GIOVANNI P. DIDOMIZIO,**

Defendants.

ORDER

Before the Court are Plaintiff's Motion to Compel Defendants' Responses and Answers to Plaintiff's First Request for Production of Documents and Plaintiff's First Set of Interrogatories to Defendants ("Motion to Compel") (Doc. 27) and Supplement to Plaintiff's Motion to Compel Defendants' Responses and Answers to Plaintiff's First Request for Production of Documents and Plaintiff's First Set of Interrogatories to Defendants (Doc. 29).

Plaintiff seeks to compel Defendants' responses to Plaintiff's First Request for Production of Documents and Plaintiff's First Set of Interrogatories. (Doc. 27, Exs. 1, 2). On January 13, 2017, the Court ordered counsel for the parties to confer regarding Plaintiff's Motion to Compel, pursuant to Local Rule 3.01(g), M.D. Fla., and directed Plaintiff to file a supplemented Local Rule 3.01(g) certification. (Doc. 28). On January 14, 2017, Plaintiff notified the Court that Defendants do not intend to respond to Plaintiff's discovery requests while the motion to dismiss is pending in this action. (Doc. 29, ¶ 2). As of the date of this Order, Defendants have not filed a response to Plaintiff's Motion to Compel and the time for doing so has expired. *See* Fed. R. Civ. P. 6(d); M.D. Fla. L. R. 3.01(b).

As correctly noted by Plaintiff, there is presently no Court-ordered stay of discovery in this

case. As such, Defendants are obligated to timely respond to Plaintiff's discovery requests. However, the Court does not consider an award of attorney's fees to be appropriate at this time. *See* Fed. R. Civ. P 37(a)(5)(A)(i)-(ii).

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

Plaintiff's Motion to Compel (Doc. 27) is **GRANTED**. Defendants must respond to Plaintiff's First Request for Production of Documents and Plaintiff's First Set of Interrogatories within **fourteen (14) days** of this Order unless the parties reasonably stipulate to a different timeframe.

DONE AND ORDERED in Tampa, Florida on this 31st day of January, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge