

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MUTUAL OF OMAHA MORTGAGE,
INC.,

Plaintiff,

v.

Case No: 8:22-cv-1660-TPB-JSS

WATERSTONE MORTGAGE
CORPORATION,

Defendant.

_____/

ORDER

Defendant moves to compel Plaintiff to provide complete responses and productions to Defendant's interrogatories and documents requests, to produce a privilege log of documents withheld from its productions, and for an award of attorneys' fees. (Motion, Dkt. 42). In support of the Motion, Defendant relies on the declaration of its counsel, Attorney Maria L. Kreiter. (Dkt. 43.) Plaintiff opposes the Motion (Dkt 45) and submits the declaration of its counsel, Attorney Christopher L. McCall in support of its opposition (Dkt. 46). The court held a hearing on the Motion on March 1, 2023.¹ Upon consideration and for the reasons stated during the hearing:

1. Defendant's Motion to Compel and for an Award of Fees (Dkt. 42) is

GRANTED in part and DENIED in part.

¹ The court also briefly addressed the Motion with counsel for both parties at a case management conference on February 22, 2023.

2. Plaintiff is ordered to supplement its responses to Defendant's interrogatories and production requests as discussed at the hearing and in this order, on or before March 10, 2023.
3. With respect to Defendant's Interrogatory No. 1, Plaintiff shall supplement its response to include information related to the calculation of ill-gotten gains and lost revenue and profits as discussed at the hearing.
4. With respect to Defendant's Interrogatories Nos. 2–8, Plaintiff shall supplement its responses to include the bates numbers of those produced documents on which it relies as responsive to each interrogatory.
5. With respect to Defendant's Document Requests Nos. 2–3, Plaintiff shall amend its responses to state that it does not have in its possession, custody, or control documents responsive to these requests, as represented by Plaintiff's counsel at the hearing.
6. With respect to Defendant's Document Requests Nos. 5, 10, 28, 29, Plaintiff shall supplement its responses to include the bates numbers of those produced documents on which it relies as responsive to each request.
7. With respect to Defendant's Document Request No. 7, Plaintiff shall supplement its response to clarify that the documents responsive to this request are the relevant employment agreements, as represented by Plaintiff's counsel at the hearing. Plaintiff shall further supplement its

response to include the bates numbers of those produced documents on which it relies as responsive to this request.

8. With respect to Defendant's Document Request No. 8, the request is narrowed to include only the employment agreements and any compensation agreements from the personnel files of each of the relevant employees. To the extent not already produced, Plaintiff shall supplement its production to include those documents. To the extent already produced, Plaintiff shall supplement its response to include the bates numbers of those produced documents on which it relies as responsive to this request.
9. With respect to Defendant's Document Requests Nos. 14–23 and 25–26, Plaintiff shall supplement its responses to include the bates numbers of those produced documents on which it relies as responsive to each request.
10. With respect to Defendant's request for production of a privilege log, Plaintiff shall include in its amended responses a statement indicating that it has not withheld any documents on the basis of privilege or other protections, as represented by Plaintiff's counsel at the hearing.
11. As requested by Plaintiff's counsel at the hearing, Defendant is ordered to supplement its responses to Plaintiff's document requests to include the bates numbers of those produced documents on which it relies as responsive to each request.

12. Defendant's request for attorneys' fees in connection with the Motion is denied.

ORDERED in Tampa, Florida, on March 1, 2023.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record