

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

JENNIFER XU,

Plaintiff,

v.

CASE NO. 1:09-cv-00187-MP -GRJ

BOARD OF TRUSTEES OF THE UNIVERSITY OF FLORIDA, DIVISION OF RISK  
MANAGEMENT, DEPARTMENT OF FINANCIAL SERVICES,

Defendants.

\_\_\_\_\_ /

**ORDER**

This matter is before the Court on Doc. 53, Motion to Compel Payment for Records Produced by Board of Trustees of the University of Florida. Defendants move to compel payment from Plaintiff for copies of records produced in response to Plaintiff's First Request for Production of Documents and in compliance with Rule 26 disclosures. Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure allows for the payment of expenses, including attorney's fees, for motions compelling discovery. Plaintiff has filed a Response in Opposition to Defendants' Motion to Compel Payment for Records Produced. On February 2, 2011, a telephone hearing was held on this motion. During the hearing, Defendants' counsel acknowledged that the invoice for \$178.75 has been paid. However, the invoice for \$2006.10 remains outstanding.

In response to Plaintiff's First Request for Production of Documents, Defendant produced over 20,000 pages of documents and sent Plaintiff an invoice for \$2006.10 for the costs of producing those documents at ten cents per page. Plaintiff asserts that of this total, 12,642 are duplicates and often include multiple copies of the same documents. Plaintiff contends that she should not be charged for these duplicates and should be required to pay only \$741.90

(\$2,006.10 - \$1,264.20 = \$741.90).

After reviewing Plaintiff's First Request for Production of Documents, the Court finds that the nature of Plaintiff's request resulted in the duplication of documents. Plaintiff made eighty-five separate requests for documents, many of which are overlapping. For example, request number five asks for "[a]ll documents showing reimbursements to all employees in Defendant's OIT for the time period covered by this request" while request number six asks for "[a]ll documents showing reimbursements to all employees working in Defendant's OIT for blackberry costs and expenses." Since request number six is merely a subset of request number five they are almost certain to produce duplicate documents.

Defendants' merely produced copies of the documents requested by Plaintiff and had no obligation to alter those requests. As such, Plaintiff is responsible for the payment of all records produced in response to her request. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. Motion to Compel Payment for Records Produced, Doc. 53, is GRANTED.
2. Plaintiff is ordered to pay \$2006.10 for records produced to Defendants' counsel by February 11, 2011.

**DONE AND ORDERED** this 2nd day of February, 2011

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge