

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

LYSNER VALCIN, et al,

Plaintiffs,

v.

CASE NO. 1:10-cv-00096-SPM -GRJ

STEVEN DAVIS FARMS, LLC,
and STEVEN DAVIS,

Defendants.

_____ /

ORDER

This matter is before the Court on Plaintiffs' First Motion To Compel Initial Disclosures. (Doc. 24.) Defendants have failed to file a response and the time for doing so has passed.

Plaintiffs request the Court to enter an order compelling Defendant Steven Davis to provide initial disclosures as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. The parties were required to serve initial disclosures by October 20, 2010. Rule 37(a)(3)(A) provides in relevant part that: "[I]f a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions." In view of Plaintiffs' representation that Defendant has failed to provide initial disclosures - a representation that Defendant has not challenged as evidenced by the failure to file a response to the motion to compel - the Court concludes that Plaintiffs' First Motion To Compel Initial Disclosures is due to be granted.

Further, because Plaintiff has requested an award of fees - to which Defendant

has not objected – the Court concludes that Plaintiffs are entitled to reimbursement of their reasonable attorney’s fees incurred in filing the motion. The Court determines that a reasonable fee to be awarded is the sum of \$350.00. Plaintiffs are entitled to an award of fees even if Defendant provided the initial disclosures to Plaintiffs after the motion to compel was filed. See, Rule 37(a)(5)(A) (“if the motion is granted – or if the disclosure ... is provided after the motion was filed – the court must ... require the party ... whose conduct necessitated the motion ... to pay the movant’s reasonable expenses in making the motion, including attorney’s fees.”)

Accordingly, upon due consideration, it is **ORDERED**:

- (1) Plaintiffs’ First Motion To Compel Initial Disclosures (Doc. 24) is **GRANTED**. Defendant shall provide Plaintiffs with all initial disclosure information required under Rule 26(a)(1) of the Federal Rules of Civil Procedure no later than **January 7, 2011**.
- (2) Plaintiffs are awarded the sum of \$350.00 as a sanction for Plaintiffs having to prepare and file a motion to compel. Defendant shall pay Plaintiffs’ counsel the sum of \$350.00 no later than **January 7, 2011**.

DONE AND ORDERED this 29th day of December, 2010.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge