

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

ARCH INSURANCE COMPANY,
Plaintiff,

v.

Case No. 3:09cv395/RV/EMT

UNITED STATES OF AMERICA, et al.,
Defendants.

ORDER

On August 18 and 19, 2010, Plaintiff Arch Insurance Company (“Arch”) filed motions to compel discovery directed to Defendant United States of America (“the United States”) and Defendant Avenge, Inc. (“Avenge”) (Docs. 84, 85, respectively).¹ Now before the court is a notice filed by Arch and an attached, proposed, agreed-upon order, which notice and order indicate that the matters raised in Arch’s motions to compel have been resolved by agreement or by compliance (*see* Doc. 94 & Attach.). Arch also notes that the agreement and compliance render moot a motion to compel directed to Avenge, filed June 30, 2010 (Doc. 74), and, apparently, a motion to compel directed to the United States, also filed on June 30, 2010 (Doc. 73). Arch further indicates it wishes to withdraw the motions to compel (or more specifically, Docs. 74, 83, 84, and 85), without prejudice to refile if such refile becomes necessary (Doc. 94 & Attach.).² The court notes, however, that the district court previously denied, as moot, the motions to compel filed by Arch on June 30, 2010 (*see* Doc. 79 (denying, in relevant part, Docs. 73, 74, on July 6, 2010)); thus, the undersigned need not do the same here.

¹ The motion directed to Avenge is an amended motion to compel (*see* Doc. 85), which motion rendered moot the motion to compel directed to Avenge filed the previous day (Doc. 83). Thus, the clerk properly terminated the earlier-filed motion (Doc. 83).

² Although Arch does not specifically mention the earlier motion to compel directed to the United States (Doc. 73), this appears to be an oversight.

Thus, the court, having considered the agreements made by counsel, which agreements (or compliance) have rendered moot the issues raised by Arch in the motions to compel, hereby **ORDERS** as follows:

1. On or before **SEPTEMBER 20, 2010**, Avenge shall provide supplemental responses to Requests 60–103 to the Request for Admission propounded by Arch.

2. Arch’s Amended Motion to Compel directed to Avenge (Doc. 85) is **DENIED**, as moot and without prejudice.

3. Arch’s Motion to Compel directed to the United States (Doc. 84) is **DENIED**, as moot and without prejudice.

DONE AND ORDERED this 17th day of September 2010.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE