

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

CHERYL MOORE.,

Plaintiff,

v.

CASE NO. 5:11-cv-111-RS -GRJ

GULF COAST PODIATRY, P.A.,

Defendant.

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ORDER

Pending before the Court is Defendant's Motion To Compel Discovery Responses. (Doc. 29.) Pursuant to prior notice the Court held a telephonic hearing on November 28, 2011 to address the motion.

Defendant requests the Court to enter an order compelling Plaintiff to produce additional records responsive to request to produce number six and to provide a more complete response to interrogatory number 11. At the beginning of the hearing, counsel for Defendant advised the Court that she and opposing counsel had resolved the two issues relating to the incomplete discovery requests. Plaintiff has agreed to provide additional documents responsive to request to produce number six and to certify that Plaintiff does not have any other documents in her possession, custody or control responsive to request to produce number six.

With regard to interrogatory number eleven, Plaintiff has provided a supplemental response to this interrogatory which cures the deficiency. The supplemental response was not sworn by Plaintiff and therefore Defendant requested and Plaintiff has agreed to provide the supplemental response executed by Plaintiff

under penalty of perjury or sworn to before a notary public.

Plaintiff is directed to provide to counsel for Defendant no later than November 28, 2011: (1) additional documents responsive to request to produce number six, (2) a certification that Plaintiff does not have in her possession, custody or control any further documents responsive to request to produce number six, and (3) the sworn supplemental response to interrogatory number eleven.

Because the parties have resolved the issues in Defendant's Motion to Compel Discovery Responses, Defendant's request for attorney's fees pursuant to Rule 37(a)(5)(A) is due to be denied.

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

Defendant's Motion To Compel Discovery Responses (Doc. 29) is due to be **GRANTED** to the limited extent that Plaintiff shall provide the additional discovery responses agreed to by Plaintiff, and detailed in this order, on or before **November 28, 2011**. Defendant's request for attorney's fees is denied.

DONE AND ORDERED this 21st day of November, 2011.

s/ Gary R. Jones
GARY R. JONES
United States Magistrate Judge