

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-61181-CV-DIMITROULEAS/ROSENBAUM

ALLISON SMITH,

Plaintiff,

v.

MAMA FU'S HOLLYWOOD, LLC,

Defendant.

ORDER

This matter is before the Court upon Plaintiff's Motion to Compel Defendant's Responses to Plaintiff's First Set of Interrogatories and First Request for Production [D.E. 12]. On January 14, 2009, this Court entered an Order to Show Cause directing Defendant Mama Fu's Hollywood, LLC ("Mama Fu's), to show cause in writing why Plaintiff's Motion to Compel should not be granted for the reasons set forth therein. *See* D.E. 16. Mama Fu's filed its Response to the Order to Show Cause and Plaintiff's Motion to Compel on January 22, 2009 [D.E. 17]. In that Response, Mama Fu's stated that it had served its responses to the discovery requests at issue and suggested that Plaintiff's Motion to Compel had, therefore, become moot. In view of Defendant's Response, the Court ordered Plaintiff to file a reply brief, indicating whether she continued to pursue her Motion to Compel. In accordance with the Court's Order, Plaintiff filed her Reply on February 2, 2009.

Upon review of the Reply, the Court notes that Plaintiff acknowledges that Defendant did, in fact, serve some type of response to Plaintiff's discovery requests. Nonetheless, Plaintiff

complains about the quality of that response and requests an order requiring Defendant to provide better answers. The Court, therefore, interprets the Reply as a separate Motion to Compel Better Answers. Also since the filing of Plaintiff's original Motion to Compel, the Court entered its Discovery Order, specifying the Court's preferences with regard to the conduct of discovery in this Court. As a result of the filing of the Discovery Order and the Reply after Defendant's filing of its Response, the Court finds it appropriate to seek a response from Defendant to Plaintiff's Motion to Compel Better Answers (Reply) [D.E. 20]. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's original Motion to Compel [D.E. 12] is hereby **DENIED AS MOOT**; and
2. Defendant shall file a response to Plaintiff's separate Motion to Compel Better Answers (Reply) [D.E. 20] by **5:00 p.m., Wednesday, February 11, 2009**.

DONE AND ORDERED this 2nd day of February, 2009.



ROBIN S. ROSENBAUM
UNITED STATES MAGISTRATE JUDGE

cc: Hon. William P. Dimitrouleas
Counsel of Record