

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-20690-CIV-MOORE/SIMONTON

CORAL MANAGEMENT, INC.,

Plaintiff,

v.

ONE BEACON INSURANCE, et al.

Defendants.

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ORDER ON PLAINTIFF'S MOTIONS TO COMPEL

Presently pending before the Court are Plaintiff's Motion to Compel Discovery From Defendants and Deem Requests For Admissions Admitted (DE # 37) and Plaintiff's Motion To Compel Better Answers By Defendant To Requests For Production (DE # 48). These motions are referred to the undersigned Magistrate Judge (DE # 5). On November 3, 2009, the undersigned Magistrate Judge heard argument on the motions. All oral rulings made at the hearing are incorporated in this Order.

For the reasons stated at the hearing, Plaintiff's motions to compel are granted in part, and Plaintiff's motions for sanctions are denied without prejudice to renew.

In its initial motion to compel, filed October 30, 2009, Plaintiff contended Defendants had not timely responded to Plaintiff's interrogatories, requests for production, and requests for admissions. Plaintiff asked this Court to enter an Order compelling Defendant to respond to all pending discovery, deem all objections to discovery waived, deem the requests for admission admitted. Plaintiff also asked the Court to award Plaintiff the attorneys fees and costs incurred by Plaintiff in filing this motion (DE # 37).

On November 2, 2009, the undersigned Magistrate Judge set a hearing on

Plaintiff's motion for November 4, 2009 (DE # 40), which was reset by the request of Defendant's counsel to November 3, 2009 (DE # 41).

Also on November 2, 2009, Defendants filed a notice of filing discovery responses (DE # 42).

On November 3, 2009, the undersigned Magistrate Judge entered an Order on Discovery Procedures in this case (DE # 44).

On November 3, 2009, Plaintiff filed a further motion to compel, in which it stated that Defendants' discovery responses were insufficient and violated the Federal Rules of Civil Procedure, the Local Rules, and the undersigned's Order on Discovery Procedures. Plaintiff asked the Court to order better responses to discovery (DE # 48).

At the hearing, the undersigned ruled that the objections would not be deemed waived, and the requests for admission would not be deemed admitted. However, upon brief review of the newly filed discovery responses, it appears that the present objections to discovery and the responses to discovery were insufficient. Moreover, Defendants failed to provide a privilege log for any documents and/or information withheld on the basis of privilege, including, but not limited to, documents contained in any claims file. At the hearing, Defendants claimed that the entire claims file had been produced. Thus, it is apparent that there has not been adequate consultation prior to filing the most recent motion to compel.

Therefore, for the reasons stated at the hearing, it is hereby

**ORDERED AND ADJUDGED** that Plaintiff's Motion to Compel Discovery From Defendants and Deem Requests For Admissions Admitted (DE # 37) and Plaintiff's Motion To Compel Better Answers By Defendant To Requests For Production (DE # 48), are **GRANTED in part**, as follows:

1. On or before November 13, 2009, counsel for each party must meet in person and confer in an effort to resolve the outstanding discovery issues and review the objections to discovery.

2. Also, on or before November 13, 2009, Defendants shall provide amended responses to Plaintiff's discovery, including Plaintiff's requests for admissions. These amended responses shall conform to the undersigned's order on discovery procedures and shall contain any necessary privilege logs.

3. Plaintiff's request for sanctions is denied without prejudice to renew, if the Court is required to take further action to ensure that Plaintiff receives timely and proper discovery responses; or if Plaintiff can demonstrate prejudice resulting from the present delay.

**DONE AND ORDERED** in Miami, Florida, on November 4, 2009.

  
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ANDREA M. SIMONTON  
UNITED STATES MAGISTRATE JUDGE

Copies furnished via CM/ECF to:  
The Honorable K. Michael Moore, United States District Judge  
All counsel of record