

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-23023-CIV-UNGARO/SIMONTON

LUIS GONZALEZ,

Plaintiff,

v.

TRW CONTRACTING, INC., et al.,

Defendants.

ORDER GRANTING, IN PART, PLAINTIFF'S MOTION FOR SANCTIONS

Presently pending before the Court is Plaintiff's Motion for Sanctions (DE # 64). Defendants filed a response in opposition (DE # 74), and Plaintiff has replied (DE # 77). This case is referred to the undersigned Magistrate Judge based upon the consent of the parties (DE # 54). A hearing was held on July 14, 2010, at which time the undersigned heard argument from the parties. At the conclusion of the hearing, the Motion was granted in part. This Order sets forth that ruling and incorporates by reference the reasons stated on the record.

Therefore, based upon a review of the record as a whole, it is hereby

ORDERED AND ADJUDGED that

1. On or before August 10, 2010, the defendants shall file the supplemental discovery ordered by the Court at the hearing, and an Affidavit which states that a diligent search has been made and all responsive documents have been produced. The additional discovery shall include a search of records, including computer records, for documents which evidence the purchase by the Defendants, and the identity of vendors and suppliers, of any supplies, goods, materials, equipment and tangible items,

including receipts from Home Depot, as well as any additional documents regarding the gross sales by Defendant in 2007.

2. On or before August 17, 2010, the additional depositions of defendant Felix Escalona and the accountant, Mr. Starman, shall be completed. The Defendants shall pay the attendance fee for the court reporter with respect to the continued deposition of Mr. Escalona. The parties may jointly agree to conduct these depositions at any time prior to the trial, without further order of the Court.

3. To compensate Plaintiff for the duplication of effort which has resulted from the failure to timely produce all relevant discovery, Plaintiff shall be compensated for one hour of attorney time at the rate of \$300.00 per hour. This sum shall be paid within thirty days from the date of this Order.

4. The Defendants are advised that their failure to comply with this Order within the time provided may result in the striking of their answer and the entry of a default against them as to liability without the need for further proceedings.

5. A telephonic status and scheduling conference is set for August 23, 2010 at 2:00 p.m. to reset the dates for filing responses to the cross-motions for summary judgment, the pretrial conference, trial and related deadlines. Counsel for Plaintiff shall initiate the conference by placing a telephone call to the chambers of the undersigned Magistrate Judge (305-523-5930), with all parties on the line. The responses to the cross-motions for summary judgment, pretrial conference, trial, and related deadlines

regarding the submission of a joint pretrial stipulation, jury instructions, motions in limine, etc. are continued until further order of the Court.

DONE AND ORDERED in chambers in Miami, Florida on July 14, 2010.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies to:
All counsel of record