

10-20354.or1

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 10-20354-CIV-ALTONAGA-BROWN (D.E. 65)

Case Number: 10-20353-CIV-ALTONAGA-BROWN (D.E. 65)

Case Number: 10-20352-CIV-ALTONAGA-BROWN (D.E. 70)

Case Number: 10-20355-CIV-ALTONAGA-BROWN (D.E. 70)

RICHARD CALLISON

Plaintiff,

vs.

CELEBRITY CRUISES, INC., and
JUNGLE TREKKING ADVENTURES
AND SAFARI, INC.,Defendants.

ORDER RE: SHOWING OF GOOD CAUSE

THIS MATTER is before the Court on Plaintiff's Notice of Filing ... (D.E. 65). It results from the Court's ruling on defendant Celebrity's Motion to Compel Discovery D.E. 50, (Case No. 10-20354); D.E. 51, (Case No. 10-20353); D.E. 53 (Case No. 10-20355) and D.E. 54, (Case No. 10-20352). The Court considered the motion, the response, the reply, and all pertinent materials in the file. The Court found that the discovery responses were untimely and required plaintiff to show good cause why sanctions should not be imposed pursuant to FRCP 37(a)(5)(A). Plaintiff filed same ("the filing") (D.E. 65).

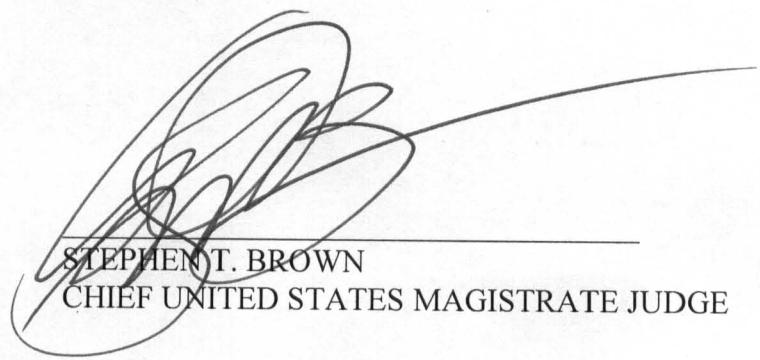
The Court has considered the filing and finds that no good cause has been shown. While plaintiff's filing addresses the failure to file timely responses to the discovery, it ignores completely

paragraph 3 of the motion and the letter referred to therein - sent to plaintiff before the filing of the motion to compel.

Plaintiff claims there was a failure to docket the discovery so as to timely comply. Accepting this as true for the purposes of this matter, plaintiff received a letter prior to the filing of the motion to compel. If plaintiff needed more time (see paragraphs 2 and 3 of the filing), plaintiff should have sought relief from the Court in an effort to avoid the necessity of the filing of the motion to compel.

Accordingly, and the Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that sanctions are awarded to defendant consisting of the reasonable costs and attorney's fees incurred in the filing of the motion to compel. If the parties cannot agree on the amount of same and payment within ten (10) days from the date of this order, the Court will resolve same, upon proper motion.

DONE AND ORDERED in Chambers at Miami, Florida, this 2nd day of June, 2010.



STEPHEN T. BROWN
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Honorable Cecilia M. Altonaga
Counsel of record