

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

**Case Number: 16-21008-CIV-MORENO**

JEFFREY MELTON, EZEKIEL MORRIS,  
TOMMY JOHNSON, JUAN VALDES, and  
MANVILLE SMITH,

Plaintiffs,

vs.

CENTURY ARMS, INC.; CENTURY  
INTERNATIONAL ARMS CORP.;  
CENTURY ARMS OF VERMONT, INC.; and  
CENTURY INTERNATIONAL ARMS OF  
VERMONT, INC.,

Defendants.

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**ORDER ON MOTIONS TO COMPEL**

THIS CAUSE came before the Court upon the following motions:

- Plaintiffs' Motion to Compel Un-Redacted Document Production from Companion Industries, Inc. (D.E. 58), filed on **December 12, 2017**.
- Plaintiffs' Objections to Magistrate Judge Turnoff's Order on Motions to Compel (D.E. 35 and D.E. 42), filed on **January 2, 2018**.
- Defendants' Objections to Magistrate Judge Turnoff's Order on Motions to Compel (D.E. 35 and D.E. 42), filed on **January 2, 2018**.

THE COURT has considered the motions, and being otherwise fully advised in the premises, it is

**ADJUDGED** that:

- Plaintiff’s Motion to Compel Un-Redacted Document Production from Companion Industries, Inc. (**D.E. 58**) is **DENIED** as it is Companion Industries, Inc.’s decision, not Defendants’, how it chooses to comply with Plaintiffs’ discovery requests.
- Plaintiffs’ Objection to Magistrate Judge Turnoff’s Order on Motions to Compel (**D.E. 35 and 42**) is **OVERRULED**. A Magistrate Judge’s order “shall [be] set aside . . . [if it is] found to be clearly erroneous or contrary to law.” S.D. Fla. L.R. 4(a)(1). Under Florida law, “[a] claim for unjust enrichment has three elements: (1) the plaintiff has conferred a benefit on the defendant; (2) the defendant voluntarily accepted and retained that benefit; and (3) the circumstances are such that it would be inequitable for the defendants to retain it without paying the value thereof.” *Virgilio v. Ryland Grp., Inc.*, 680 F.3d 1329, 1337 (11th Cir. 2012). On that basis, Plaintiffs’ submit that Defendants’ revenues, profit, and costs of goods sold for the class weapons are necessary to prove the unjust benefit conferred on Defendants by Plaintiffs. The Court disagrees. The crux of an unjust enrichment claim is the difference between what Plaintiffs’ paid and what they expected to receive for their payment – not Defendants’ profits. Accordingly, Magistrate Judge Turnoff’s order is not clearly erroneous or contrary to law.
- Defendants’ Objection to Magistrate Judge Turnoff’s Order on Motions to Compel (**D.E. 35 and 42**) is **OVERRULED**. Defendants seek to inspect non-Century AK firearms owned by Plaintiffs to see how they are configured, and if the configuration provided knowledge to the Plaintiffs’ relevant to this lawsuit.

Defendants submit that Magistrate Judge Turnoff's denial of this request is clearly erroneous and contrary to law because Magistrate Judge Turnoff permitted discovery of the Plaintiffs' non-Century AK firearm manuals, but not the firearms themselves. The Court disagrees because the central issue before this Court is the alleged defects in the Century firearms owned by Plaintiffs, not Plaintiffs' non-Century firearms. The Court notes that Magistrate Judge Turnoff's generosity in permitting discovery over the non-Century manuals does not justify this request.

DONE AND ORDERED in Chambers at Miami, Florida, this 8<sup>th</sup> of January 2018.

  
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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record