

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NATHAN DENLINGER, SCOTT
BIRCHFIELD and BRIAN
MCDONALD,

Plaintiffs,

v.

Case No: 2:16-cv-575-FtM-99CM

INTELLIGENT
INFRASTRUCTURE SOLUTIONS,
LLC,

Defendant.

ORDER

This matter comes before the Court upon review of Plaintiffs' Motion to Compel and Incorporated Memorandum of Law filed on August 23, 2018. Doc. 22. Defendant has not filed a response in opposition, and the time for doing so has passed. Failure to file a response creates a presumption that the motion is unopposed. *Great American Co. v. Sanchuk, LLC*, No. 8:10-cv-2568-T-33AEP, 2012 WL 195526, at *3 (M.D. Fla. Jan. 23, 2012) (citation omitted). The motion is now ripe for review.

Plaintiffs served Defendant with a Rule 34 Request for Production on or about May 11, 2018. Doc. 22 at 1. Defendant's responses were due on or before June 11, 2018. *Id.* To date, Defendant has not responded to Plaintiffs' request for production, nor has Defendant moved for a protective order or sought any other relief from the Court. *See id.* at 2-3. Because Defendant has failed to respond to the discovery or assert any objections thereto, any such objections are waived. *Limu Co.*,

LLC v. Burling, No. 6:12-cv-347-Orl-TBS, 2013 WL 1482760, at *1 (M.D. Fla. Apr. 11, 2013). Moreover, Defendant failed to provide any opposition to the present motion. Accordingly, the Court will grant Plaintiffs' motion. Defendant shall have up to and including **September 28, 2018**, to respond to Plaintiffs' First Request for Production of Documents. Defendant is advised that failure to comply with this Order could result in sanctions.

ACCORDINGLY, it is

ORDERED:

Plaintiffs' Motion to Compel and Incorporated Memorandum of Law (Doc. 22) is **GRANTED**. Defendant shall have up to and including **September 28, 2018**, to respond to Plaintiffs' First Request for Production of Documents.

DONE and **ORDERED** in Fort Myers, Florida on this 12th day of September, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record