

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DAVID CARLSEN and INGRID
CARLSEN,

Plaintiffs,

v.

Case No: 6:16-cv-738-Orl-40TBS

STATE FARM MUTUAL AUTO
INSURANCE COMPANY,

Defendant.

ORDER

This case comes before the Court without oral argument on Plaintiffs' Amended Motion to Compel Verified and Better Answers to Interrogatories (Doc. 62). Defendant has not filed a response to the motion and the time within to do so has expired. When a party fails to respond, that is an indication that the motion is unopposed. Foster v. The Coca-Cola Co., No. 6:14-cv-2102-Orl-40TBS, 2015 WL 3486008, at *1 (M.D. Fla. June 2, 2015); Jones v. Bank of Am., N.A., 564 Fed. Appx. 432, 434 (11th Cir. 2014)¹ (citing Kramer v. Gwinnett Cty., Ga., 306 F.Supp.2d 1219, 1221 (N.D. Ga. 2004); Daisy, Inc. v. Polio Operations, Inc., No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015) (when defendant did not respond court could consider motion to compel unopposed); Brown v. Platinum Wrench Auto Repair, Inc., No. 8:10-cv-2168-T-33TGW, 2012 WL 333803, at *1 (M.D. Fla. Feb. 1, 2012) (after party failed to respond, court

¹ "Unpublished opinions are not considered binding precedent, but may be cited as persuasive authority." CTA11 Rule 36-2.

treated motion for summary judgment as unopposed). The Court proceeds on the basis that Plaintiffs' motion is unopposed.

On October 30, 2017, Plaintiffs served interrogatories on Defendant (Id., ¶ 1). The interrogatories ask for the total amounts Defendant and its counsel have paid to Defendant's disclosed expert witnesses during the past 4 years (Id., ¶ 2). In response, Defendant produced unverified ledgers showing payments made to persons who are only identified by their Tax ID numbers (Id., ¶¶ 3-4; Doc. 62-1). Plaintiffs complain that Defendant's answers are incomplete because they are unable to identify the witnesses from their Tax ID numbers, and the answers are unverified (Doc. 62, ¶ 4). Plaintiffs represent that Defendant's counsel has repeatedly agreed to provide better answers, but has failed to do so (Id., ¶ 6). Now, Plaintiffs seek an order compelling Defendant to amend its interrogatory answers to identify the witnesses by name as well as Tax ID numbers (Id., ¶ 5). The motion is **GRANTED**. No later than the close of business on March 19, 2018,² Defendant shall provide complete, verified answers to Plaintiffs' interrogatories numbered 1 and 2. Those answers shall identify by both name and Tax ID number, each disclosed expert witness and the amount(s) paid to said witness in the last 4 years by Defendant or the law firm representing Defendant. Because Plaintiffs do not request attorney's fees and costs in their motion, none are awarded.

DONE and ORDERED in Orlando, Florida on March 14, 2018.


THOMAS B. SMITH
United States Magistrate Judge

² The Court sees no reason to give Defendant additional time. These interrogatories were served on October 30, 2017, Defense counsel has acknowledged a need to supplement the answers, Defendant knew or should have known the motion to compel would be granted, and should have planned accordingly.

Copies furnished to:

Counsel of Record
Unrepresented Parties