

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

PAUL COSENTINO,

Plaintiff,

v.

Case No. 8:16-cv-2808-T-35AAS

**CONTINENTAL FINANCE
COMPANY, LLC,**

Defendant.

_____ /

ORDER

Paul Cosentino moves for an order directing Continental to complete a Fact Information Sheet. (Doc. 36). Although the court provided Continental multiple opportunities to respond to Mr. Cosentino's motion in addition to the fourteen days permitted under Local Rule 3.01(b), Continental failed to do so. (Docs. 41, 44). A party's failure to respond to a motion indicates the motion is unopposed. *Legends Collision Ctr., LLC v. State Farm Mut. Auto. Ins. Co.*, No. 6:14-CV-6006-ORL-31TBS. 2016 WL 3406409, at *1 (M.D. Fla. June 21, 2016) (citations omitted). Therefore, the court treats Mr. Cosentino's motion as unopposed.

Mr. Cosentino obtained judgment against Continental for \$98,500.00. (Doc. 17). Under Federal Rule of Civil Procedure 69(a), the procedure for executing judgment "must accord with the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(1). Thus, Florida procedure for executing judgment applies here.

Florida Rule of Civil Procedure 1.560 allows judgment creditors to obtain discovery from judgment debtors when collecting judgment. Fla. R. Civ. P. 1.560(a). Rule 1.560 also provides:

Fact Information Sheet. In addition to any discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court. Failure to obey the order may be considered contempt of court.

Fla. R. Civ. P. 1.560(b).

Mr. Cosentino included the Fact Information Sheet he requests Continental complete. (Doc. 19-1, pp. 2–4). Mr. Cosentino’s Fact Information Sheet complies with Form 1.977 Fact Information Sheet for Corporations and Other Business Entities under the Florida Rules of Civil Procedure.¹

Accordingly, it is **ORDERED**:

1. Mr. Cosentino’s motion to direct Continental to complete his Fact Information Sheet is **GRANTED**.
2. Continental must complete Mr. Cosentino’s Fact Information Sheet by **June 29, 2018** (within forty-five days of this Order).

ORDERED in Tampa, Florida on this 15th day of May, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

¹ The Florida Rules of Civil Procedure include templates for Form 1.977 Fact Information Sheets.