

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LOUIS JUAN AGUILAR,

Plaintiff,

v.

Case No: 2:17-cv-119-FtM-99CM

ERICKSON & JENSEN SEAFOOD
PACKERS, LLP, BONNIE LASS
INC. and F/V, BABE,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Compel Responses to Discovery (Doc. 23) filed on April 24, 2018. Defendants have 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 Assurance 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.

Plaintiff served Defendants with a Rule 33 Interrogatories and Rule 34 Request for Production on or about March 15, 2018. Doc. 23 at 1. Defendants' responses were due on or before April 16, 2018. *Id.* To date, Defendants have not responded to Plaintiff's request for production or interrogatories, nor have Defendants moved for a protective order or sought any other relief from the Court. *Id.* Because Defendants have 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, Defendants failed to provide any opposition to the present motion. Accordingly, the Court will grant Plaintiff's motion. Defendants shall have up to and including **June 29, 2018**, to respond to Plaintiff's First Set of Interrogatories and Request for Production. Defendants are advised that failure to comply with this Order could result in sanctions.

Additionally, because the discovery deadline, May 7, 2018, set under the existing Case Management and Scheduling Order has passed, the Court will extend the remaining deadlines as necessary. Doc. 19.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion to Compel Responses to Discovery (Doc. 23) is **GRANTED**.

Defendants shall have up to and including **June 29, 2018**, to respond to Plaintiff's First Set of Interrogatories and Request for Production.

2. The Court will issue an amended case management and scheduling order by separate Order.

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


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record