

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KRISTEN CAMPBELL, AS PARENT
AND NATURAL GUARDIAN OF A.C.,
A MINOR,

Plaintiff,

v.

Case No: 6:17-cv-1036-Orl-TBS

RENE BRIERE,

Defendant.

DAN CAMPBELL,

Plaintiff,

v.

Case No: 6:17-cv-1105-Orl-TBS

RENE BRIERE,

Defendant.

JUSTIN CAMPBELL,

Plaintiff,

v.

Case No: 6:17-cv-1106-Orl-TBS

RENE BRIERE,

Defendant.

ORDER

This case comes before the Court without a hearing on Defendant's *Daubert* Motion, or in the Alternative, Motion in Limine, to Preclude Certain Testimony of Dr. Sean Mahan (Doc. 49). Plaintiff 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 treated motion for summary judgment as unopposed). The Court proceeds on the basis that this motion is unopposed, and it is therefore, **GRANTED** without the Court having reached the merits. Plaintiff's expert, Dr. Sean Mahan will not be permitted to testify concerning the causation or permanency of Plaintiffs' injuries claimed in these actions.

DONE and ORDERED in Orlando, Florida on August 13, 2018.


THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties

¹ "Unpublished opinions are not considered binding precedent, but may be cited as persuasive authority."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