

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

PHILLIPPE FRANKLIN,

Plaintiff,

v.

Case No: 6:17-cv-1196-Orl-40GJK

BOARD OF COUNTY
COMMISSIONERS OF OSCEOLA
COUNTY,

Defendant.

_____ /

ORDER

This cause is before the Court on Defendant's Motion for Sanctions and Dismissal (Doc. 56) filed September 24, 2018, and Defendant's Third Motion for Sanctions and Dismissal (Doc. 83) filed on December 7, 2018. The United States Magistrate Judge has submitted a report recommending that the motions be granted in part and denied in part.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed January 7, 2019 (Doc. 93), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Deposition Motion (Doc. 56) is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Defendant is awarded \$772.00 under Rule 37(d)(3) as its reasonable expenses incurred due to Plaintiff's failure to attend his deposition; and

b. The Deposition Motion is denied in all other respects.

3. The Pretrial Conference Motion (Doc. 83) is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Defendant is awarded its reasonable expense, including attorney's fees, under Rule 16(f)(2) incurred due to Plaintiff's noncompliance with the CMSO;
- b. Defendant shall have fourteen days from the date of this Order to file a motion quantifying the amount of attorney's fees and costs to be awarded, accompanied by affidavits, detailed time sheets, and any other supporting evidence; and
- c. The Pretrial Conference Motion is **DENIED** in all other respects.

DONE AND ORDERED in Orlando, Florida on January 29, 2019.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties