

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SOMERO ENTERPRISES, INC., a
Florida corporation

Plaintiff,

v.

Case No: 2:18-cv-161-FtM-29CM

DANIEL R. STOLTZFUS,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant/Counterclaimant Daniel R. Stoltzfus' Motion to Compel Production of Documents to Plaintiff/Counterdefendant Somero Enterprises, Inc. filed on August 17, 2018. Doc. 43. For the reasons stated below, the motion is denied without prejudice.

Defendant seeks to compel Plaintiff to produce of documents responsive to the requests for production served on June 27, 2018. Doc. 43 at 1. The Local Rule 3.01(g) certification states that Defendant attempted to contact Plaintiff three times by email but has not received a response. *Id.* at 2. Local Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions not at issue here, contain a statement “stating whether counsel agree on the resolution of the motion,” and further provides that a statement to the effect that counsel for the moving party attempted to confer with counsel for the opposing party but counsel was unavailable is “insufficient to satisfy the parties’ obligation to confer.” M.D. Fla. R. 3.01(g).

ACCORDINGLY, it is

ORDERED:

Defendant/Counterclaimant Daniel R. Stoltzfus' Motion to Compel Production of Documents to Plaintiff/Counterdefendant Somero Enterprises, Inc. (Doc. 43) is **DENIED without prejudice.**

DONE and **ORDERED** in Fort Myers, Florida on this 21st day of August, 2018.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record