

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 5:21-cv-570-JSM-PRL

**TRI-ACK PROPERTY
MANAGEMENT, INC., DEBORAH
D'ANNA and MARION COUNTY
TAX COLLECTOR,**

Defendants.

ORDER

This tax liability case is before the Court for consideration of the government's motion to compel responses to discovery. (Doc. 60).

Plaintiff recites that, on May 15, 2024, it served a second set of interrogatories upon Defendant Deborah D'Anna. (Doc. 60-1). D'Anna failed to respond and the time for responding has expired. Also on May 15, 2024, Plaintiff served a second set of requests for production upon Defendants Deborah D'Anna and Tri-ack Property Management, Inc., (Doc. 60-2). Defendants failed to respond and the time for responding has expired.

As detailed in Plaintiff's motion, Plaintiff's counsel engaged in diligent good faith efforts to confer with counsel for Defendants regarding the outstanding discovery requests, including granting extensions through August 23, 2024. Ultimately, counsel for Defendants did not respond to Plaintiff's final follow-up email on August 21, 2024, requesting responses be served by August 23, 2024. (Doc. 60 at 4). Defendants have also failed to file a response to Plaintiff's motion to compel, and the time for responding has expired.

Accordingly and upon due consideration, it is ordered that:

- (1) Plaintiff's motion to compel discovery (Doc. 60) is GRANTED. Within 14 days of the date of this Order, Defendant Deborah D'Anna shall serve upon Plaintiff full and complete responses to Plaintiff's second set of interrogatories. Also within 14 days of this Order, Defendants Deborah D'Anna and Tri-ack Property Management, Inc., shall serve upon Plaintiff full and complete responses to Plaintiff's second set of requests for production.
- (2) Because Defendants Deborah D'Anna and Tri-ack Property Management, Inc., have not demonstrated that the failure to respond to the discovery requests was substantially justified or demonstrated that other circumstances would make an award of expenses unjust under Rule 37(a)(5)(A), it appears that Plaintiff may be entitled to reasonable expenses, including attorney's fees, incurred in making the motion to compel.¹
- (3) If Plaintiff seeks expenses under Rule 37(a)(5)(A), within 14 days of the entry date of this Order, Plaintiff may file an appropriate motion, including an affidavit supporting its motion for reasonable expenses, including attorney's fees, incurred in making the motion to compel.

DONE and **ORDERED** in Ocala, Florida on September 30, 2024.



PHILIP R. LAMMENS
United States Magistrate Judge

¹ Plaintiff's motion is silent as to whether an award of expenses is sought pursuant to Rule 37(a)(5)(A).

Copies furnished to:

Counsel of Record
Unrepresented Parties