

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRAD WARRINGTON,

Plaintiff,

v.

Case No.: 2:22-cv-77-JES-KCD

RAKESH PATEL and ROCKY
PATEL PREMIUM CIGARS, INC.,

Defendants.

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ORDER

On October 31, 2023, the Court held oral argument on two pending discovery motions: (1) Defendant Rakesh Patel's Motion to Compel (Doc. 138) and (2) Plaintiff's Motion to Compel Discovery Production by Defendant Patel (Doc. 131). Having reviewed the briefing, and for the reasons stated on the record, the Court:

1. **GRANTS IN PART AND DENIES IN PART** Defendant Rakesh Patel's Motion to Compel (Doc. 138);

a. The Court finds Plaintiff waived his objections to the following document requests and orders him to respond to the same within 30-days:

i. Request No. 1

ii. Request No. 2;

- iii. Request No. 3;
- iv. Request No. 8;
- v. Request No. 10;
- vi. Request No. 11;
- vii. Request No. 12;
- viii. Request No. 16;

b. The Court sustains Plaintiff's objection to Request No. 4.

c. The Court takes under advisement the parties' arguments concerning Request No. 7. A written order on this request will follow.

2. GRANTS IN PART AND DENIES IN PART Plaintiff's Motion to Compel Discovery Production by Defendant Patel (Doc. 131.)

a. The Court overrules Defendant Patel's objections to Document Requests 2 and 5 and orders him to respond to the same within 60-days;

b. The Court sustains Patel's objections to Document Requests 3 and 4.

3. The Court declines to award attorney's fees and costs to either party under Fed. R. Civ. P. 37(a)(5)(C). *See Wyndham Vacation Ownership, Inc. v. Montgomery L. Firm, LLC*, No. 618CV2121ORL37LRH, 2019 WL 5394057, at *5 (M.D. Fla. Mar. 21, 2019).

4. All other requested relief different than ordered above is denied.

ORDERED in Fort Myers, Florida on October 31, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record