

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SOUTHWEST FLORIDA  
VETERINARY SPECIALISTS  
INCORPORATED, WENDY G.  
ARSENAULT and MICHAEL J.  
ARSENAULT,

Plaintiffs,

v.

Case No.: 2:22-cv-539-JLB-KCD

PETVET CARE CENTERS  
(FLORIDA), LLC,

Defendant.

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**ORDER**

This matter was before the Court for oral argument on three discovery motions: (i) Plaintiffs' Motion to Compel Relating to First Request for Production and Memorandum of Law (Doc. 85); (ii) Plaintiffs' Motion to Compel Relating to Second Request for Production and Memorandum of Law (Doc. 86); and (iii) Plaintiffs' Motion to Compel Relating to Third Request for Production and Memorandum of Law (Doc. 93). Having reviewed the briefing, and for the reasons stated on the record, the Court

1. **GRANTS IN PART AND DENIES IN PART** Plaintiffs' Motion to Compel Relating to First Request for Production and Memorandum of Law (Doc. 85):

- a. Plaintiffs' motion directed at Request No. 5 is granted. Defendants shall produce responsive documents, to the extent any additional remand, within fourteen days.
- b. Plaintiffs' motion directed at Request No. 8 is granted. Defendants shall produce responsive documents, to the extent any additional remand, within fourteen days.
- c. Plaintiffs' motion directed at Request No. 11 is granted in part under the parameters ordered at the hearing. Defendant must produce any responsive documents within thirty days.
- d. Plaintiffs' motion directed at Request No. 12 is granted in part under the parameters ordered at the hearing. Defendant must produce any responsive documents within thirty days.
- e. Plaintiffs' motion directed at Request No. 13 is granted in part under the parameters ordered at the hearing. Defendant must produce any responsive documents within thirty days.
- f. Plaintiffs' motion directed at Request No. 14 is denied.

2. **GRANTS IN PART AND DENIES IN PART** Plaintiffs' Motion to Compel Relating to Second Request for Production and Memorandum of Law (Doc. 86):

- a. Plaintiffs' motion directed at Request No. 1 is denied.
- b. Plaintiffs' motion directed at Request No. 2 is denied.

- c. Plaintiffs' motion directed at Request No. 3 is denied.
- d. Plaintiffs' motion directed at Request No. 4 is denied.
- e. Plaintiffs' motion directed at Request No. 5 is denied as moot since the request was withdrawn.
- f. Plaintiffs' motion directed at Request No. 6 is denied as moot since the request was withdrawn.

3. **GRANTS IN PART AND DENIES IN PART** Plaintiffs' Motion to Compel Relating to Third Request for Production and Memorandum of Law (Doc. 93):

- a. Plaintiffs' motion directed at Request No. 1 is granted in part under the parameters ordered at the hearing. Defendant must produce an updated privilege log within fourteen days.
- b. Plaintiffs' motion directed at Request No. 3 is granted in part under the parameters ordered at the hearing. Defendant must produce an updated privilege log within fourteen days.

4. Plaintiffs' request for fees and costs under each motion is denied.

*See* Fed. R. Civ. P. 37 (a)(5)(C); *Wyndham Vacation Ownership, Inc. v. Montgomery L. Firm, LLC*, No. 618CV2121ORL37LRH, 2019 WL 5394057, at \*5 (M.D. Fla. Mar. 21, 2019).

**ORDERED** in Fort Myers, Florida on March 26, 2024.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record