

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JENNIFER COUTURE and
RALPH GARRAMONE, M.D. ,

Plaintiffs,

v.

Case No.: 2:23-cv-340-SPC-KCD

DANESH NOSHIRVAN,

Defendant.

ORDER

On March 15, 2023, the Court held oral argument on Plaintiffs' Motion for an Order Compelling Defendant to Produce Discovery Materials. (Doc. 90.) Having reviewed the briefing, and for the reasons stated on the record, the Court:

1. **GRANTS IN PART AND DENIES IN PART** Plaintiffs' Motion for an Order Compelling Defendant to Produce Discovery Materials (Doc. 90):
 - a. Within 14-days of this order, Defendant must disclose an updated privilege log that complies with the legal requirements of Rule 26 and the case law discussed at the hearing;
 - b. The objections to Request No. 1 are sustained in part and overruled in part, and Defendant is directed to answer the

discovery request under the parameters discussed within 30 days.

- c. The objections to Request No. 2 are sustained in part and overruled in part, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- d. The objections to Request No. 3 are sustained for the reasons stated on the record.
- e. The objections to Request No. 4 are overruled, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- f. The objections to Request No. 5 are sustained in part and overruled in part, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- g. The objections to Request No. 6 are sustained for the reasons stated on the record.
- h. The objections to Request No. 7 are sustained for the reasons stated on the record.
- i. The objections to Request No. 8 are sustained in part and overruled in part, and Defendant is directed to answer the

discovery request under the parameters discussed within 30 days.

- j. Request No. 9 is stricken as moot.
- k. The objections to Request No. 10 are sustained in part and overruled in part, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- l. The objections to Request No. 12 are sustained for the reasons stated on the record.
- m. The objections to Request No. 13 are sustained in part and overruled in part, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- n. The objections to Request No. 14 are sustained for the reasons stated on the record.
- o. The objections to Request No. 15 are sustained for the reasons stated on the record.
- p. The objections to Request No. 16 are overruled, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.

- q. The objections to Request No. 17 are overruled, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.
- r. Request No. 20 was withdrawn and stricken as moot.
- s. Request No. 21 was withdrawn and stricken as moot.
- t. Request No. 22 was withdrawn and stricken as moot.
- u. Request No. 23 was withdrawn and stricken as moot.
- v. The objections to Request No. 24 are overruled save for Defendant's privilege claims which may be asserted in the updated privilege log. Defendant is directed to answer the discovery request as to any other responsive materials under the parameters discussed within 30 days.
- w. The objections to Request No. 25 are overruled save for Defendant's privilege claims which may be asserted in the updated privilege log. Defendant is directed to answer the discovery request as to any other responsive materials under the parameters discussed within 30 days.
- x. The objections to Request No. 27 are sustained in part and overruled in part, and Defendant is directed to answer the discovery request under the parameters discussed within 30 days.

- y. Request No. 28 was withdrawn and stricken as moot.
 - z. Request No. 29 was withdrawn and stricken as moot.
2. Defendant's request for a protective order, raised in his response brief, is denied. *See Robinson v. Dyck O'Neal, Inc.*, No. 3:15-CV-988-J-39PDB, 2015 WL 13359441, at *1 (M.D. Fla. Dec. 1, 2015); *Armington v. Dolgencorp, Inc.*, No. 3:07-CV-1130-J-JRK, 2009 WL 210723, at *2 (M.D. Fla. Jan. 20, 2009).
 3. The Court declines to award attorney's fees and costs 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).¹

ORDERED in Fort Myers, Florida on March 15, 2024.



Kyle C. Dudek
United States Magistrate Judge

¹ Unless otherwise indicated, all internal quotation marks, citations, and alterations have been omitted in this and other citations.