

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

OLEG S. PROKOPEV,

Plaintiff,

v.

Case No: 6:23-cv-541-CEM-EJK

**EVGENY IGOREVICH
LUNEGOV, TATIANA
LUNEGOVA, ALFA PRO INC.,
RUSSIAN-AMERICAN
DEVELOPMENT COMPANY LLC,
RUSLAN CHERNYSHOV, R&B
ONE CORPORATION, R&B ONE
AUTO SALES INC., and VICTOR
MIKHAYLOV,**

Defendants.

ORDER

This cause comes before the Court on Plaintiff's Motion to Compel Better Responses to Plaintiff's Fifth Request for Production to Defendant Victor Mikhaylov Served on March 4, 2024 (the "Motion") (Doc. 90), filed March 8, 2024. *Pro se* Defendant Victor Mikhaylov has not responded to the Motion, and the time for doing so has expired. (*See* Doc. 82 at 1.) Thus, the undersigned considers the Motion as unopposed. (*Id.*) ("[A] failure to file a timely response will result in the Motion being deemed unopposed.") (emphasis omitted).

Plaintiff seeks an order compelling Defendant Mikhaylov to respond to Plaintiff's Fifth Request for Production, which seeks "[a]ny and all attachments to any

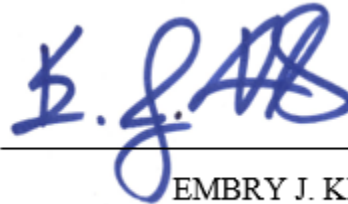
emails you have ever sent to the Plaintiff” from July 2022 to present. (Docs. 90 at 2; 90-1 at 8.) On March 6, 2024, Defendant Mikhaylov objected to this request, stating: “I object to each request to the extent it requires me to provide information that may be obtained by the other party from another source that is more convenient, less expensive, or less burdensome. The Plaintiff have all these requested documents in his email (prokopevoleg1967@gmail.com) inbox.” (Doc. 90-2 at 1) (mistakes in original). Plaintiff asserts that this request is relevant to demonstrate that the documents Defendant Mikhaylov sent Plaintiff were not legitimate. (Doc. 90 at 2.)

Defendant Mikhaylov’s objections are due to be overruled. It appears that Defendant Mikhaylov objected to the discovery request because he believes Plaintiff is already in possession of the requested documents. However, this assertion does not absolve Defendant Mikhaylov from producing documents of which he is in possession. Fed. R. Civ. P. 34(a)(1)(A). Additionally, Defendant Mikhaylov has failed to demonstrate how producing the requested discovery would be overly burdensome. *Millennium Lab’ys, Inc. v. Am. Clinical Sols., LLC*, No. 6:11-cv-1299-Orl-36DAB, 2012 WL 13103116, at *1 (M.D. Fla. July 13, 2012) (“To even merit consideration, ‘an objection must show specifically how a discovery request is overly broad, burdensome or oppressive, by submitting evidence or offering evidence which reveals the nature of the burden.’”) (quoting *Coker v. Duke & Co.*, 177 F.R.D. 682, 686 (M.D. Ala. 1998)).

Accordingly, it is **ORDERED** that Plaintiff’s Motion to Compel Better Responses to Plaintiff’s Fifth Request for Production to Defendant Victor Mikhaylov Served on March 4, 2024 (Doc. 90) is **GRANTED**. Defendant Victor Mikhaylov

SHALL produce documents responsive to Plaintiff's Fifth Request for Production **on or before April 23, 2024.**

DONE and ORDERED in Orlando, Florida on April 5, 2024.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE