

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MICHAEL GROSSMAN,

Plaintiff,

v.

Case No: 6:23-cv-1804-RBD-LHP

CHARLES OLIVER and AMERICAN
EQUITY ADVISORY GROUP, LLC,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S SHORT-FORM MOTION TO COMPEL
DISCOVERY (Doc. No. 38)**

FILED: May 31, 2024

THEREON it is ORDERED that the motion is GRANTED.

Plaintiff Michael Grossman seeks to compel Defendants Charles Oliver and American Equity Advisory Group, LLC ("American") to produce documents responsive to Plaintiff's First Requests for Production served on April 1, 2024. Doc. No. 38; Doc. No. 38-1. On May 6, 2024, Defendants served responses to the First

Requests for Production, stating, in large part, that “[a]ll responsive documents will be produced.” *See* Doc. No. 38-2. However, according to Plaintiff’s motion, besides a 26-page document from American, no further documents have been produced, and that 26-page document is not responsive to several of the discovery requests. Doc. No. 38, at 2.

Defendants, who at all times have been represented by counsel, have not responded to the motion, and their time for doing so has expired. *See* Doc. No. 28 ¶ 5 (providing that opposition briefing to a discovery motion must be filed no later than five days after the motion). Accordingly, the Court deems the motion to be unopposed in all respects. *See id.* (stating that failure to file a timely response *will* result in the discovery motion being deemed unopposed); *see also Westchester Surplus Lines Ins. Co. v. Paramount Disaster Recovery, LLC*, No. 6:18-cv-1738-Orl-37DCI, 2019 WL 5294804, at *1 (M.D. Fla. Apr. 19, 2019) (“The Court routinely grants motions as unopposed where the opposing parties have not filed a response in opposition to the motion.”); *Bercini v. City of Orlando*, No. 6:15-cv-1921-Orl-41TBS, 2016 WL 11448993, at *2 (M.D. Fla. Sept. 28, 2016) (granting in full unopposed motion to compel); *Daisy, Inc. v. Pollo Operations, Inc.*, No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015) (when defendant did not respond court could consider motion to compel unopposed).

Upon review of the unopposed motion, and the related discovery attached, the Court finds Plaintiff's motion well taken. Accordingly, it is **ORDERED** as follows:

1. Plaintiff Michael Grossman's Short-Form Motion to Compel Discovery (Doc. No. 38) is **GRANTED**.

2. On or before **June 20, 2024**, Defendants shall produce all documents in their current possession, custody, or control responsive to Plaintiff's First Requests for Production. *See* Doc. No. 38-1.

3. All objections to the discovery at issue have been waived by the failure to timely respond to the motion to compel. *See, e.g., Jackson v. Geometrica, Inc.*, No. 3:04-cv-640-J-20HTS, 2006 WL 213860, at *1 (M.D. Fla. Jan. 27, 2006) (objections not addressed in response to a motion to compel are deemed abandoned); *Bercini*, 2016 WL 11448993, at *2 (same).

4. Defendants and Defendants' counsel are advised that failure to comply with this Order may result in the imposition of sanctions. *See Fed. R. Civ. P. 37(b)*.¹

DONE and ORDERED in Orlando, Florida on June 6, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

¹ Plaintiff does not request an award of fees and costs or any other relief in its motion, *see Fed. R. Civ. P. 37(a)(5)*; accordingly, the Court declines to award any further relief at this time.