

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RANDALL EUGENE JONES,

Plaintiff,

v.

Case No. 8:24-cv-72-KKM-SPF

KYLE EVERETT BURCH; HIRSCHBACH
MOTOR LINES, INC.,

Defendants.

ORDER

This cause comes before the Court upon Defendant Hirschbach Motor Lines, Inc.'s Motion to Compel Plaintiff to Provide Better Responses to First Set of Interrogatories and Request to Produce (Doc. 32). Plaintiff has not responded to the motion, and the time to do so has expired. *See* L.R. 3.01(c), M.D. Fla. (party opposing motion must file response in opposition within 14 days after service). Therefore, the motion is deemed unopposed. *See id.* ("If a party fails to timely respond, the motion is subject to treatment as unopposed."); *Legends Collision Ctr., LLC v. State Farm Mut. Auto. Ins. Co.*, No. 6:14-cv-6006-ORL-31TBS, 2016 WL 3406409, at *1 (M.D. Fla. June 21, 2016) (stating that a party's failure to respond to a motion indicates the motion is unopposed).

Defendant asks the Court to compel Plaintiff to provide better responses to its First Set of Interrogatories and First Request to Produce (Doc. 32-1). On May 22, 2024, Plaintiff served its responses and objections to Defendant's discovery requests. On June 18, 2024, Defendant sent Plaintiff a good faith letter outlining the various deficiencies in Plaintiff's responses and requested that Plaintiff supplement his discovery responses (Doc. 32-3).

Defendant then filed this motion to compel as it had yet to receive the requested discovery. As Plaintiff has not opposed the motion, the motion is granted in part and denied in part.

Specifically, the Motion to Compel is denied with respect to Defendant’s Request for Production Nos. 53–57, which request that Plaintiff execute various authorizations (Doc. 32 at 8–10). Rule 34 of the Federal Rules of Civil Procedure requires a party to produce “documents and things,” but does not require a party to execute any forms. *See Graham v. Carroll*, No. 5:10-CV-00065-RS-GRJ, 2011 WL 855331, at *1 (N.D. Fla. Mar. 9, 2011) (discussing medical releases and stating that Rule 34 requires a party to produce all “documents and things” over which the party has “possession, custody or control” but not to execute a release unless the Plaintiff wishes to do so voluntarily).

Plaintiff shall serve Defendant with the requested discovery—excluding the authorizations subject to Request for Production Nos. 53–57—within 21 days of this Order.

Accordingly, it is hereby **ORDERED**:

Defendant Hirschbach Motor Lines, Inc.’s Motion to Compel Plaintiff to Provide Better Responses to First Set of Interrogatories and Request to Produce (Doc. 32) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff shall serve Defendants with the requested discovery—excluding the authorizations subject to Request for Production Nos. 53–57—within 21 days of the date of this Order.

ORDERED in Tampa, Florida, September 24, 2024.


SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE