

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

**KIMBERLY ACEVEDO MAUCK,**

**Plaintiff,**

**v.**

**Case No. 8:24-cv-0623-SDM-AAS**

**PUBLIX SUPER MARKETS, INC.,**

**Defendant.**

\_\_\_\_\_ /

**ORDER**

Defendant Publix Supermarkets, Inc. (Publix) requests an order compelling Plaintiff Kimberly Acevedo Mauck to respond to Publix’s First Set of Interrogatories and Requests for Production of Documents served on July 25, 2024. (Doc. 26). Ms. Mauck did not respond to Publix’s motion and the time for doing so has expired. *See* Local Rule 3.01(c), M.D. Fla. (“If a party fails to timely respond, the motion is subject to treatment as unopposed.”).<sup>1</sup>

Rule 37(a)(2)(B) of the Federal Rules of Civil Procedure allows a party to move for an order compelling discovery if another party fails to respond to interrogatories submitted under Rule 33 or to a document request submitted under Rule 34. Given Ms. Mauck’s failure to respond to Publix’s discovery

---

<sup>1</sup> After Ms. Mauk failed to timely respond to the motion, the court allowed Ms. Mauck additional time and directed a response by October 17, 2024. (Doc. 27). To date, no response has been filed.

requests followed by the failure to respond to Publix’s motion to compel, the motion (Doc. 26) is **GRANTED**.

(1) By **November 15, 2024**, Ms. Mauck must serve written responses to Publix’s First Set of Interrogatories and Requests for Production of Documents.

(2) Publix’s reasonable attorney’s fees and expenses incurred in bring this motion are awarded against Ms. Mauck. *See* Fed. R. Civ. P. 37(a)(5)(A) (“If the motion [to compel] is granted . . . the court *must* . . . require the party or deponent whose conduct necessitated the motion . . . to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.”) (emphasis added). The parties must confer and attempt to agree on the reasonable amount of attorney’s fees and expenses Publix incurred in relation to this motion. If the parties cannot agree, Publix may file a motion with supporting documentation by **November 22, 2024** and Ms. Mauck’s response to the motion will be due by **December 13, 2024**.

**ORDERED** in Tampa, Florida on October 25, 2024.



---

AMANDA ARNOLD SANSONE  
United States Magistrate Judge