

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

VINCENZO QUARATO,

Plaintiff,

v.

Case No: 6:24-cv-690-WWB-LHP

OWENS REALTY NETWORK, LLC,

Defendant

ORDER

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

MOTION: DEFENDANT'S RENEWED MOTION TO COMPEL PLAINTIFF'S ANSWERS AND RESPONSES TO DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION (Doc. No. 21)

FILED: September 25, 2024

THEREON it is ORDERED that the motion is GRANTED.

In this employment discrimination action under the Americans with Disabilities Act ("ADA"), Defendant moves to compel Plaintiff, who is represented by counsel, to respond to Defendant's First Set of Interrogatories and Requests for

Production. Doc. No. 21.¹ According to the motion, Defendant served Plaintiff with these discovery requests on July 8, 2024, provided Plaintiff with an extension of time to respond until September 4, 2024, but to date, Plaintiff has not served any answers to the Interrogatories or responses to the Requests for Production. *Id.*, at 1-2.

Defendant represents in the motion that counsel conferred with Plaintiff's counsel on two occasions prior to filing the motion and the parties were unable to reach resolution. Doc. No. 21, at 2-3. Defendant's counsel also attempted to reach Plaintiff's counsel a third time on September 9, 2024, but Plaintiff has not responded. *Id.*, at 3.² In addition, Plaintiff has not responded to the present motion, and the time for doing so expired on September 30, 2024. *See* Doc. No. 17 ¶ 5 (providing that opposition briefing to a discovery motion must be filed no later than five days after the motion); *see also* Fed. R. Civ. P. 6(a)(1)(C). Accordingly, the

¹ Defendant's first motion to compel was denied without prejudice for failing to comply with the conferral requirements of the Court's Case Management and Scheduling Order and the Court's Standing Order on Discovery Motions. Doc. Nos. 19-20; *see also* Doc. Nos. 15, 17.

² The undersigned notes that when a party fails to respond to a request to confer, the requirements of Local Rule 3.01(g)(3) apply. Defendant failed to comply with Local Rule 3.01(g)(3), however in this one instance, given the multiple prior conferral attempts, and the lack of any response from Plaintiff's counsel, the Court does not find this failure to be dispositive. However, counsel is reminded to carefully review and comply with all applicable Local Rules going forward.

Court deems Plaintiff's motion to be unopposed in all respects. See Doc. No. 17 ¶5 (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 the motion (Doc. No. 21) well taken. Accordingly, it is **ORDERED** as follows:

1. Within **fourteen (14) days** from the date of this Order, Plaintiff shall respond to Defendant's First Requests for Production and produce all responsive documents thereto. Doc. No. 21, at 37-46.
2. By this same **fourteen (14) day** deadline, Plaintiff shall also serve sworn, verified answers to Defendant's First Set of Interrogatories. Doc. No. 21, at 5-35.

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. **Failure to comply with this Order may result in sanctions.** *See Fed. R. Civ. P. 37(b)*.³

DONE and ORDERED in Orlando, Florida on October 4, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

³ Defendant does not request an award of fees and costs or any other relief in his motion, see Fed. R. Civ. P. 37(a)(5); accordingly, the Court declines to award any further relief at this time.