

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

PLAINTIFF B, et al,

Plaintiffs,

vs.

CASE NO. 5:08cv79-RS/AK

JOSEPH R. FRANCIS, et al,

Defendants.

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ORDER

Defendants filed a motion to compel on January 15, 2010, (doc. 401), which the Court ordered to be supplemented “immediately” after the deposition of Plaintiff B on January 20, 2010. (Doc. 403). No amended motion has been filed, and it appears from a review of the docket that Defendants are seeking additional avenues to obtain the information Plaintiff B was unable to recall at her deposition. (See Doc. 408).

Consequently, the Court herein **DEEMS MOOT** the motion to compel interrogatory responses from Plaintiff B (doc. 401), in light of her deposition testimony, however fruitful, and herein directs Defendants, if they wish, to file on or before **February 12, 2010**, an Affidavit of Fees and Expenses incurred in filing the motions necessary to obtain the information which should have been provided either in response to the interrogatory when first served, but certainly before the close of discovery. (Docs. 392 and 401). The Court is mindful that previous sanctions have been imposed upon

Defendants, which have not been paid, and any award related to these two motions will be used to set off that amount. Plaintiffs may, if they deem it necessary, file a response to the affidavit addressing only the reasonableness of the fees and expenses sought therein, although the Court will assess this factor independently.

DONE AND ORDERED this 1st day of February, 2010.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE