

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.09-80480-Civ-Hurley/Hopkins

JONATHAN E. PERLMAN, Esq., as court  
appointed Receiver of Creative Capital  
Consortium, LLC, et al.,

Plaintiff,

vs.

DOROTHY DELISFORT-THEODULE, et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL (DE 23)**

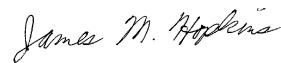
**THIS CAUSE** has come before this Court upon an Order referring all discovery to the undersigned United States Magistrate Judge for final disposition. (DE 8).

This Court has before it Plaintiff's Motion to Compel Defendant to respond to discovery demands served upon Defendant Dorothy Delisfort-Theodule on January 27, 2010. (DE 23). When Plaintiff filed his motion on March 4, 2010, Plaintiff had still not received any discovery responses.

On March 11, 2010, Defendant Dorothy Delisfort-Theodule filed a response stating that she "has provided all documents in her possession and control" to Plaintiff and that she does not have any of the additional documents sought in Plaintiff's discovery demands. (DE 27). Based on this representation, Plaintiff's motion to compel must be **denied** as moot. *See Florer v. Johnson-Bales*, 2010 WL 597164, \*2 (W.D. Wash. Feb. 17, 2010)(where defendant stated that all responsive documents had already been produced, court denied motion to compel); *Feldkamp*

*v. Long Bay Partners, LLC*, 2010 WL 503115, \*1 (M.D. Fla. Feb. 8, 2010)(where party's response stated that all documents in their custody and control had been produced, court denied motion to compel).

**DONE AND ORDERED** in Chambers this 15 day of March, 2010, at West Palm Beach in the Southern District of Florida.



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JAMES M. HOPKINS  
UNITED STATES MAGISTRATE JUDGE

Copies to: Counsel of Record

Dorothy Delisfort-Theodule, *pro se*  
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