

SECTION 8 | DISCOVERY DISPUTES

Florida Rule of Civil Procedure 1.380 provides for the recovery of expenses by the prevailing party in a discovery dispute absent certain findings. Thus, it is the Rule to award expenses to the prevailing party, not the exception. With this in mind, the parties should make every effort to resolve discovery disputes without judicial intervention.

Prior to filing a Motion to Compel the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. The Court does not believe this is merely a “box to check” before filing such a motion. Indeed, the Court fully expects that the description of the good faith conferral may be the lengthiest part of the Motion to Compel. If, for any reason, the moving party is unable to confer with counsel for the non-moving party, there should be a detailed description in the motion of all actions taken by the moving party to confer. The good faith requirement imposes the obligation upon all counsel to promptly reply to a ‘meet-and-confer’ request and to provide availability for that meeting.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court’s calendar, **it will only be removed if the case is completely resolved and settled by the parties.**

