

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, ORLANDO DIVISION

Mouhcine El Kourati v. Budget Rent A Car System, Inc.

El Kourati · No. 6:24-cv-2044-RBD-LHP · Decided February 12, 2026

SUMMARY

The United States District Court for the Middle District of Florida partially granted Defendant’s unopposed motion to compel discovery in an employment discrimination action. The Court ordered Plaintiff to produce specified documents and complete responses to Defendant’s Second Request for Production within fourteen days, deemed objections waived, declined to award attorneys’ fees, and warned that noncompliance could result in further sanctions.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Leslie Hoffman Price
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	February 12, 2026
DOCKET	6:24-cv-2044-RBD-LHP
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to compel discovery responses and production after Plaintiff failed to produce documents and failed to respond to a second request for production. The motion was deemed unopposed because Plaintiff did not timely file an opposition.
STANDARD OF REVIEW	The court reviewed the unopposed motion to compel and the attached discovery requests. The court applied the Federal Rules of Civil Procedure and the applicable standing discovery order.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mouhcine El Kourati v. Budget Rent A Car System, Inc.

TOPICS

discovery dispute

civil procedure

employment discrimination

civil rights

PRACTICE AREAS

civil procedure

employment law

employment discrimination

civil rights

QUESTIONS PRESENTED

1. Whether Defendant's motion to compel should be granted when Plaintiff failed to produce documents responsive to specified requests and failed to respond to a second request for production.
2. Whether Plaintiff waived objections to the discovery requests by failing to timely respond to the motion to compel.
3. Whether Defendant was entitled to attorneys' fees or sanctions associated with filing the motion to compel.

HOLDINGS

1. The motion to compel was well-taken in part, and Plaintiff was ordered to produce documents responsive to Requests 6, 7, 14, 16, and 17 of Defendant's First Request for Production and to provide complete responses and documents responsive to Defendant's Second Request for Production.
2. Plaintiff waived all objections to the discovery at issue by failing to timely respond to the motion to compel.
3. The court declined to award attorneys' fees or sanctions in this instance and denied the motion in all other respects.

KEY QUOTATIONS

"All objections to the discovery at issue have been waived by the failure to timely respond to the motion to compel." (Order paragraph 3)

"Within fourteen (14) days of the date of this Order, Plaintiff shall serve on Defendant:" (Order paragraph 2)

FACTUAL BACKGROUND

During Defendant's deposition of Plaintiff, Plaintiff admitted that he possessed documents responsive to Requests 6, 7, 14, 16, and 17 of Defendant's First Request for Production but had not produced them. Plaintiff also failed to respond to Defendant's Second Request for Production. Defendant attempted to confer with Plaintiff before filing the motion, but Plaintiff did not respond and did not oppose the motion.

PROCEDURAL HISTORY

Plaintiff filed this employment discrimination action in Florida state court on July 31, 2024. Defendant removed it to the Middle District of Florida on November 8, 2024. After discovery opened and closed, Defendant filed a short-form motion to compel. The court granted the motion in part, denied the request for attorneys' fees and sanctions, and ordered Plaintiff to provide specified discovery within fourteen days.

DISPOSITION

other

CASES CITED

- Weaver v. Green Sols. of Fla. LLC, No. 6:23-cv-2059-CEM-LHP, 2024 WL 4275221, at *1 (M.D. Fla. Sept. 24, 2024)
- 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)
- Bercini v. City of Orlando, No. 6:15-cv-1921-Orl-41TBS, 2016 WL 11448993, at *2 (M.D. Fla. Sept. 28, 2016)
- Daisy, Inc. v. Pollo Operations, Inc., No. 2:14-cv-564-FtM-38CM, 2015 WL 2342951, at *1 (M.D. Fla. May 14, 2015)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989), cert. denied, 493 U.S. 863 (1989)
- Jackson v. Geometrica, Inc., No. 3:04-cv-640-J-20HTS, 2006 WL 213860, at *1 (M.D. Fla. Jan. 27, 2006)

OPINION

Mouhcine El Kourati v. Budget Rent A Car System, Inc.

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

ORLANDO DIVISION

MOUHCINE EL KOURATI,

Plaintiff, v. Case No: 6:24-cv-2044-RBD-LHP

BUDGET RENT A CAR SYSTEM,

INC.,

Defendant

ORDER

Plaintiff Mouhcine El Kourati instituted this employment discrimination action against Defendant Budget Rent A Car System, Inc. on July 31, 2024 in the Circuit Court of the Ninth Judicial Circuit for Orange County. Doc. No. 1-1. Defendant removed the case to this Court on November 8, 2024. Doc. No. 1. Plaintiff, initially represented by an attorney, has been proceeding pro se since January 14, 2026. Doc. Nos. 30-33. Discovery opened on or around March 10, 2025, and closed on January 30, 2026. Doc. Nos. 24-25. Now before the Court is Defendant's Short Form Motion to Compel. Doc. No. 34. According to the motion, during Defendant's deposition of Plaintiff, Plaintiff admitted to possessing documents responsive to Requests 6, 7, 14, 16, and 17 from Defendant's First Request for Production but, to date, has failed to provide those documents. Id. at 2-3. Plaintiff also wholly failed to respond to Defendant's Second Request for Production, served after Plaintiff's deposition. Id. at 2. Counsel for Defendant attempted to confer with Plaintiff on several occasions regarding this motion, but Plaintiff did not respond. Id. at 3-4; Doc. No. 35.

Plaintiff has not responded to Defendant's motion, and the time to do so has now expired. See Doc. No. 26 ¶ 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(d). Accordingly, the Court deems the motion unopposed in all respects. See Doc. No. 26 ¶ 5 (stating that failure to file a timely response will result in the discovery motion being deemed unopposed); *Weaver v. Green Sols. of Fla. LLC*, No. 6:23-cv-2059-CEM-LHP, 2024 WL 4275221, at *1 (M.D. Fla. Sept. 24, 2024) (granting motion to compel as unopposed when opposing party failed to file a timely response in accordance with Standing Discovery Order); *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). See also *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (a pro se litigant "is subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure"), cert. denied, 493 U.S. 863 (1989). Upon review of the unopposed motion, and the related discovery attached, the Court finds Defendant's motion (Doc. No. 34) to be well-taken, in part. The motion also includes a request for attorneys' fees associated with filing this motion, however, upon consideration, the Court declines to award sanctions in this one instance. See Fed. R. Civ. P. 37(a)(5)(A)(iii). Accordingly, it is ORDERED as follows:

1. Defendant's Short Form Motion to Compel (Doc. No. 34) is GRANTED in part.
2. Within fourteen (14) days of the date of this Order, Plaintiff shall serve on Defendant: a. All documents in his possession, custody, or control responsive to Requests 6, 7, 14, 16, and 17 from Plaintiff's First Request for Production, to include records showing jobs to which Plaintiff applied subsequent to his termination; Plaintiff's resumé; correspondence with other witnesses, including regarding Plaintiff's claims in this action; records showing Plaintiff's earnings from 2020 to present; and Plaintiff's tax returns from 2020 to 2025. See Doc. No. 34, at 2-3; Doc. No. 34-1. b. Complete responses to Defendant's Second Request for Production, along with production of all documents in his possession, custody, or control responsive to Defendant's Second Request for Production. See Doc. No. 34-3.
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. Defendant's motion (Doc. No. 34) is DENIED in all other respects.
5. Failure to comply with this Order may result in further sanctions.

See Fed. R. Civ. P. 37(b). DONE and ORDERED in Orlando, Florida on February 12, 2026.

LESLIE HOFFMAN PRICE

UNITED STATES MAGISTRATE JUDGE

Copies furnished to: Counsel of Record Unrepresented Parties

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