

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**WORLDVENTURES  
HOLDINGS, LLC, et al.,**

**Plaintiffs,**

**v.**

**Case No. 8:18-mc-110-T-30AAS**

**MAVIE, et al.,**

**Defendants.**

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**ORDER**

This order follows today’s hearing on WorldVentures’ motion to compel and third-party Xpirient’s motion for protective order. WorldVentures moves to compel three requests for production from Xpirient. (Doc. 1). But, at today’s hearing—and for the first time since WorldVentures submitted its motion to compel on December 20th—Xpirient argued this court has no jurisdiction to compel compliance with WorldVentures’ subpoena because it was issued by the wrong court.

“A subpoena must issue from the court where the action is pending.” Fed. R. Civ. P. 45(a)(2). “Action” in Rule 45(a)(2) means the underlying litigation. *Wultz v. Bank of China, Ltd.*, 304 F.R.D. 38, 43 (D.D.C. 2014). The court identified in the subpoena’s caption is considered the issuing court. *Id.* (citation omitted).

WorldVentures’ subpoena fails to strictly comply with Rule 45(a)(2). The underlying litigation is in the Eastern District of Texas. (Doc. 1, p. 1). To comply with Rule 45(a)(2), therefore, WorldVentures’ subpoena must issue from the Eastern

District of Texas. In its current subpoena, however, the Eastern District of Louisiana is identified as the issuing court. (Doc. 1, p. 6). Under Rule 45(a)(2), therefore, WorldVentures' subpoena is facially defective.

In light of WorldVentures' defective subpoena, WorldVentures' motion to compel (Doc. 1) and Xpirient's motion for protective order (Doc. 15) are **DENIED as moot**. Consistent with the undersigned's rulings at today's hearings WorldVentures and Xpirient must follow these deadlines:

1. By **February 14, 2019**, WorldVentures must serve a corrected subpoena, which complies with Federal Rule of Civil Procedure 45, on Xpirient's counsel, who represented he is authorized to accept service on Xpirient's behalf.
2. By **February 21, 2019**, Xpirient must respond to WorldVentures' corrected subpoena or submit a motion for protective order. Before submitting any motion, Xpirient's counsel must confer with WorldVentures' counsel to attempt resolving any dispute.
3. By **February 28, 2019**, WorldVentures must respond, if necessary, to Xpirient's motion for protective order.
4. On **March 7, 2019, at 2:00 p.m.** in Tampa Courtroom 10B, the undersigned will hold a hearing on any pending motions.

**ORDERED** in Tampa, Florida, on February 12, 2019.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge