

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

RIVER CROSS LAND COMPANY,
LLC,

Plaintiff,

v.

Case No: 6:18-cv-1646-ACC-LHP

SEMINOLE COUNTY,

Defendant

SUPPLEMENTAL BRIEFING ORDER

This cause comes before the Court on review of Plaintiff's Time Sensitive Opposed Motion for Protective Order (Doc. No. 106), Defendant's Response (Doc. No. 109), and Plaintiff's Reply (Doc. No. 111). Upon consideration, the Court finds supplemental briefing appropriate.

Accordingly, it is **ORDERED** that on or before **5:00 p.m. on Tuesday, February 20, 2024**, the parties shall each file a supplemental brief, not to exceed **ten (10) pages** in length, addressing the issues raised in the motion and response. The parties shall specifically address, **with citation to relevant and applicable legal authority**, the following:

- (1) Whether Defendant may utilize requests for production propounded under Federal Rule of Civil Procedure 34 to obtain

documents from non-party Truist Bank, as opposed to via a subpoena served in accordance with Federal Rule of Civil Procedure 45, when the documents being sought relate to other non-parties and do not specifically name the Judgment-Debtor. *See* Doc. No. 106-1; *see also* Fed. R. Civ. P. 34(a) (“[a] party may serve on any other *party* a request within the scope of Rule 26(b)”). *Cf.* Doc. No. 107; Doc. No. 112-1.

(2) If Rule 34 does not allow for Defendant to propound requests for production on Truist Bank under the specific circumstances presented in the current dispute, whether by failing to raise this argument in its motion for protective order, Plaintiff has waived the issue and discovery may nevertheless proceed under Rule 34.

(3) Relatedly, whether and to what extent Defendant’s writ of garnishment against Truist and its status as a garnishee with respect to Judgment-Debtor River Cross Land Company LLC (Doc. Nos. 99, 101) impacts the present dispute. In other words, may Defendant pursue discovery under Rule 34 (as opposed to via a subpoena) against a garnishee when the discovery sought relates to non-parties and not to the Judgment-Debtor itself.

Alternatively, by the same February 20, 2024 deadline, Defendant may elect to withdraw its second request for production and serve a subpoena on Truist fully compliant with Federal Rule of Civil Procedure 45 along with all other applicable state and federal rules.

DONE and **ORDERED** in Orlando, Florida on February 9, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties