

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

**JEFFREY KATHMAN, on
behalf of himself and others
similarly situated,**

Plaintiffs,

v.

Case No. 8:22-cv-2888-CEH-AAS

FONBUENA LAW FIRM, CHTD.,

Defendants.

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ORDER

Defendant Fonbuena Law Firm, CHTD., requests this court grant leave to serve two third-party subpoenas on T-Mobile and WideOpenWest. (Doc. 24). Plaintiffs do not oppose this relief. (*Id.* at p. 5). The Cable Communications Privacy Act requires Fonbuena to seek leave from this court before serving the subpoenas because T-Mobile and WideOpenWest are internet service providers with sensitive subscriber information. *See* 47 U.S.C. § 551(c)(2)(B).

Fonbuena has established that they are entitled to an order granting leave for Fonbuena to serve third-party subpoenas on T-Mobile and WideOpenWest. *See Millennium Funding, Inc. v. 1701 Mgmt. LLC*, No. 21-CV-20862, 2022 WL 1469417, *1 (S.D. Fla. May 10, 2022). However, the production due date on the two subpoenas is currently January 25, 2023. (Doc. 24, Ex. 1,

p. 1; Doc. 24, Ex. 2, p. 1). This would not be enough time for T-Mobile and WideOpenWest to give the necessary statutory notice. *See* 47 U.S.C. § 551(c)(2)(B) (A cable operator may disclose such information if the disclosure is . . . made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed.”).

Thus, Fonbuena’s motion for permission to serve third-party subpoenas (Doc. 24) is **GRANTED-IN-PART and DENIED-IN-PART**. Fonbuena may serve the third-party subpoenas to T-Mobile and WideOpenWest with a revised production due date of **March 1, 2024**.

ORDERED in Tampa, Florida on January 23, 2024.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

AMANDA ARNOLD SANSONE
United States Magistrate Judge