

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

**UNITED STATES DEPARTMENT OF
LABOR,**

Petitioner,

v.

Case No: 6:23-mc-23-CEM-DCI

PCI SECURITY INC.,

Respondent.

ORDER

This cause comes before the Court for consideration without oral argument on the following motion:

MOTION: Petition for Enforcement of Administrative Subpoena *Duces Tecum* (Doc. No. 1)

FILED: December 5, 2023

THEREON it is ORDERED that the motion is GRANTED in part.

The Regional Administrator of the Wage and Hour Division of the United States Department of Labor issued PCI Security, Inc. (Respondent) a subpoena *duces tecum* in relation to an investigation conducted pursuant to the Fair Labor Standards Act. Docs. 1 at 2; 1-8 (the Subpoena). The United States Department of Labor (Petitioner) has filed a Petition to enforce the Subpoena against Respondent. Doc. 1 (the Petition). While Respondent apparently produced some documents, Petitioner contends that Respondent’s production remains deficient with respect to Paragraphs 4 and 5 of the Subpoena. Doc. 1 at 13. Specifically, Petitioner argues that “Respondent has failed to produce documents identifying employees’ addresses, telephone

numbers, email address, titles or occupations, hire dates, termination dates, method of compensation (salary, hourly, etc.) and exemption status; and documents that reflect straight-time and/or overtime compensation paid and additions to or deductions from wages, (including commission wages) from March 21, 2021 to January 14, 2023 and March 11, 2023 through present.” *Id.* at 13-14.

As such, Petitioner requests that the Court direct Respondent to show cause why it should not be required to produce the outstanding documents and direct Respondent to appear, at a time and place set by the Court, before an appointed Department of Labor official to produce the outstanding documents. *Id.* at 13.

Upon due consideration, it is **ORDERED** that the Petition (Doc. 1) is **GRANTED in part** and **DENIED in part** as follows:

1. **On or before April 26, 2024**, Petitioner shall:
 - a. serve a copy of this Order, the Petition, and the exhibits attached thereto on Respondent; and
 - b. file an executed return of service with the Court;
2. Respondent shall, **within 21 days from the date Respondent is served with this Order**, either:
 - a. appear at the Wage and Hour Division, United States Department of Labor Office, located at 1001 Executive Center, Dr., Suite 103, Orlando, Florida 32803 (or at a location otherwise agreed to by the parties), at a time and date agreed to by Petitioner, but no later than the allotted time, to produce to Petitioner the documents sought in the Petition (Doc. 1); or

b. show cause in writing why Respondent should not be ordered to produce to Petitioner the documents sought in the Petition (Doc. 1). Respondent's response must contain a memorandum of law, and be accompanied by evidence, such as affidavits, supporting any allegations of fact.

3. The Petition is **DENIED** in all other respects.

ORDERED in Orlando, Florida on April 12, 2024.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE