

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KYLE CRESSWELL and KRYSTAL
YACEK,

Plaintiffs,

v.

Case No: 6:23-cv-284-RBD-LHP

UNITED STATES OF AMERICA,

Defendant

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: UNOPPOSED MOTION TO COMPEL (Doc. No. 36)

FILED: July 15, 2024

THEREON it is ORDERED that the motion is DENIED without prejudice.

The United States moves to compel the deposition of the corporate representative of a non-party, Park Place Surgery Center. Doc. No. 36. Upon review, however, the motion does not state whether it was served on non-party Park Place Surgery Center, by certificate of service or otherwise. Accordingly, the

motion (Doc. No. 36) is **DENIED without prejudice**. See Fed. R. Civ. P. 45(d)(2)(B)(i) (requiring “notice to the commanded person”); *Roca Labs, Inc. v. Consumer Opinion Corp.*, No. 8:14-cv-2096-T-33EAJ, 2015 WL 12939597, at *1 (M.D. Fla. June 17, 2015) (denying without prejudice motion to compel regarding non-party subpoena that did not state that the motion was served on the non-party).

DONE and ORDERED in Orlando, Florida on July 19, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties