

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

RAVINDRA PATEL and PRATIMA  
PATEL,

Plaintiffs,

v.

Case No: 6:23-cv-1842-PGB-LHP

FEDERAL INSURANCE COMPANY,

Defendant

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**ORDER**

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

**MOTION: FEDERAL INSURANCE COMPANY'S MOTION TO QUASH/MODIFY SUBPOENA AND FOR A PROTECTIVE ORDER TO PLAINTIFFS AMENDED RULE 30(B)(6) NOTICE OF TAKING VIDEO-RECORDED DEPOSITION DUCES TECUM (Doc. No. 25)**

**FILED: February 21, 2024**

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**THEREON it is ORDERED that the motion is DENIED as moot.**

Defendant seeks to quash a subpoena and requests a protective order to preclude the video deposition of non-party Nelson Forensics. Doc. No. 25. While

the motion, which is not styled as time-sensitive or an emergency, *see* Local Rule 3.01(e), complies with the 500-word limit of the Standing Order on Discovery Motions, the motion provides no legal basis for the requested relief, nor requests additional briefing. *See* Doc. No. 17, ¶¶ 2, 7. Moreover, the motion was filed at 5:12 p.m. on February 21, 2024. Doc. No. 25.<sup>1</sup> However, according to the attached subpoena, the deposition was scheduled to take place at 11:00 a.m. on February 22, 2024, leaving virtually no time for any response by Plaintiffs, even under any expedited schedule. Doc. No. 25-2, at 1. Defendant nowhere explains why it waited until the literal 11th hour to file its motion and does not request a stay of the deposition pending resolution of the motion. Doc. No. 25. This is particularly troubling given that Defendant acknowledges that it was served with the subpoena on January 15, 2024, more than one month prior. *Id.* at 2. In any event, the Court presumes that the deposition has now gone forward given that the motion is silent

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<sup>1</sup> The Court denied the first iteration of this motion for failure to comply with the Standing Order on Discovery Motions, *see* Doc. No. 24. However, that motion was filed at 4:47 p.m. on February 20, 2024, less than 48 hours before the scheduled deposition. Doc. No. 22. That motion also was not designated as time-sensitive or an emergency, did not identify the date and time of the scheduled deposition other than by attaching a copy of the subpoena itself, did not request a stay of the deposition, and Plaintiffs would have not been able to respond to the motion prior to the scheduled deposition. *See* Doc. No. 17, ¶ 5.

as to whether the parties agreed to continue the deposition, and a motion not acted upon is deemed denied.

Accordingly, given that the deposition took place yesterday as scheduled, Defendant's motion (Doc. No. 25) is **DENIED AS MOOT**.

**DONE and ORDERED** in Orlando, Florida on February 23, 2024.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties