

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

**PRECIOUS PATRICIA
CHARLERY,**

Plaintiff,

v.

Case No: 6:23-cv-2127-EJK

UNITED STATES OF AMERICA,

Defendant.

ORDER

This cause comes before the Court on the Defendant's Unopposed Motion to Compel Discovery from a Third Party (the "Motion") (Doc. 24), filed September 24, 2024. Plaintiff does not oppose the Motion. The third-party has not responded to the Motion, and the time for doing so has passed. Local Rule 3.01(c). Upon review, the Motion is due to be granted.

This is a suit pursuant to the Federal Tort Claims Act regarding a motor vehicle accident that occurred between Plaintiff and Defendant's mail delivery vehicle. (Doc. 1.) Defendant now moves for an order compelling Plaintiff's primary care physician, Orlando Family Medical Center ("OFMC"), to produce information contained in the Rule 45 Notice and Subpoena (the "Subpoena") (Docs. 24-5; 33-1), served June 28, 2024. (Docs. 24.)¹ Defendant has properly served OFMC with the Subpoena by

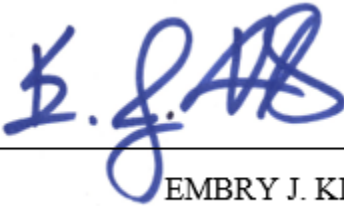
¹ OFMC is located in Orlando, Florida and the place of compliance is also Orlando, Florida. Therefore, this Motion is properly before the Court. *See* Fed. R. Civ. P. 45(d)(2)(B)(i).

registered mail and email. (Docs. 24-2, 24-3, 24-4); Fed. R. Civ. P. 45(b)(1). OFMC has not responded to the Subpoena.

Accordingly, it is **ORDERED** that Defendant's Unopposed Motion to Compel Discovery from a Third Party (Doc. 24) is **GRANTED** as follows:

1. Orlando Family Medical Center shall produce documents responsive to the Subpoena to Defendant **on or before November 7, 2024**.
2. Any objections to the Subpoena, other than those based on privilege, are deemed waived. *Gulati v. Ormond Beach Hosp., LLC*, No. 6:18-cv-920-Orl-37TBS, 2018 WL 7372080, at *2 (M.D. Fla. Dec. 17, 2018).
3. **Further failure by Orlando Family Medical Center to timely respond to the Subpoena could result in contempt proceedings and sanctions against the entity or person failing to respond.** See Fed. R. Civ. P. 45(g).
4. The United States is **DIRECTED** to serve this Order on Orlando Family Medical Center by registered mail and email.

DONE and **ORDERED** in Orlando, Florida on October 24, 2024.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE