

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SARAH ELIZABETH WENDT  
GIBSON PALMER,

Plaintiff,

v.

Case No: 6:24-cv-11-CEM-LHP

LA ROSA REALTY LLC,

Defendant

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**ORDER**

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

**MOTION: PLAINTIFF'S MOTION TO COMPEL (Doc. No. 25)**

**FILED: June 17, 2024**

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

The motion does not state whether it was served on non-party Merit Mount Solutions, LLC, by certificate of service or otherwise. *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). The motion also does not state Defendant's position on the request. See Local Rule 3.01(g). Further, it is not clear that the motion was filed in the appropriate court, given that the non-party is located in St. Petersburg, Plaintiff's counsel is in Coral Gables, and compliance is to be made "directly to the undersigned counsel electronically." See Doc. No. 25-1; see also Fed. R. Civ. P. 45(d)(2)(B)(i) (filing of motion to compel is to be in court where compliance is required); *Celestin v. City of Ocoee*, No. 6:21-cv-896-RBD-EJK, 2022 WL 833131, at \*1 (M.D. Fla. Jan. 13, 2022) ("The prevailing rule across federal courts, and the courts within this circuit, is that a subpoena's place of compliance is the district where documents are to be produced.").

Any renewed motion must address these issues, and must fully comply with all Federal Rules of Civil Procedure, Local Rules, and Court Orders.

**DONE and ORDERED** in Orlando, Florida on June 20, 2024.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record

Unrepresented Parties