

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOHN MORIARTY & ASSOCIATES
OF FLORIDA, INC.,

Plaintiff,

v.

Case No: 6:24-cv-1409-JSS-LHP

FRANKENMUTH INSURANCE
COMPANY,

Defendant

ORDER

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

**MOTION: FRANKENMUTH INSURANCE COMPANY'S
MOTION TO COMPEL AS TO RESIDENTIAL
BUILDING SUPPLY (Doc. No. 20)**

FILED: December 18, 2024

THEREON it is ORDERED that the motion is GRANTED.

Defendant Frankenmuth Insurance Company moves to compel non-party, Residential Building Supply ("RBS") to comply with a subpoena duces tecum, which subpoena was served on RBS on October 28, 2024 and required responsive

production by November 22, 2024. Doc. No. 20; *see also* Doc. Nos. 20-1, 20-2. According to the motion, RBS has wholly failed to respond to the subpoena. Doc. No. 20, at 2. Plaintiff John Moriarty & Associates of Florida, Inc. does not object to Defendant's motion to compel or the subpoena. *Id.* at 3. And although the motion to compel states that it was served on RBS by mail on December 18, 2024, RBS has not timely responded to the motion. *Id.* at 4. Accordingly, the Court deems the motion to be unopposed in all respects. *See* Local Rule 3.01(c);¹ *see also* Fed. R. Civ. P. 6(d), (a)(1)(C).

Upon review, the Court finds the unopposed motion well taken. Accordingly, the motion (Doc. No. 20) is **GRANTED**, and it is **ORDERED** as follows:

1. On or before **January 22, 2025**, Non-party Residential Building Supply shall fully comply with the Subpoena to Produce Documents. *See* Doc. No. 20-1, at 5-11.
2. All objections to the production required by the subpoena have been waived. *See Cadle v. GEICO Gen. Ins. Co.*, No. 6:13-cv-1591-Orl-31GJK, 2014 WL 12639859, at *3 (M.D. Fla. Aug. 29, 2014) ("Typically, failure to serve

¹ Generally, the Standing Order on Discovery Motions would apply to a motion such as this, *see* Doc. No. 18, but given that this issue relates to discovery from a third party, in an abundance of caution, the Court applied the deadlines set forth in Local Rule 3.01(c).

written objections to a subpoena in the time provided by [Rule 45] waives any objections that party may have.”).

3. **Failure to comply with this Order may result in the institution of contempt proceedings against RBS.** *See* Fed. R. Civ. P. 45(g).

4. Defendant shall immediately serve a copy of this Order on RBS and shall thereafter file a notice of compliance with the Court.

DONE and ORDERED in Orlando, Florida on January 8, 2025.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties