

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ROBERT E. TARDIF, JR., as Trustee for Jason
Yerk,

Plaintiff,

-vs-

Case No. 2:09-cv-537-FtM-29SPC

PEOPLE for the ETHICAL TREATMENT of
ANIMALS, a Virginia not-for-profit corporation,

Defendant.

ORDER

This matter comes before the Court on Jason Yerk and Melanie Roberts Yerk's Motion for Extension of Time to Respond to Defendant's Subpoenas *Duces Tecum* (Doc. #93) filed on February 18, 2011. The Defendant PETA filed its Response in Opposition (Doc. #95) on February 22, 2011. The matter was referred by the District Court to the undersigned on February 28, 2011. The issue is now ripe for the Court's review.

On February 4, 2011, the Defendant served the Plaintiffs with subpoenas *duces tecum*. Counsel for the Plaintiff states that he has not had sufficient time to review the subpoenas and moves the Court for more time to respond. The Defendant objects to the request arguing that a certified process server was sent to the Plaintiffs' residence to serve the subpoenas on January 25, 2011. Apparently, the Plaintiff Jason Yerk appeared at the residence's doorway with a pistol in his hand. The process server left without serving the Plaintiffs. The Plaintiffs were subsequently served on February 4, 2011.

The Plaintiffs' Counsel requests that the Court allow him an extra seven days to review the subpoenas before responding because he has had a busy trial and court schedule. The Defendant objects noting that with the depositions of the Plaintiff Jason Yerk on March 1, 2011, and Melanie Yerk on March 2, 2011, it would not have sufficient time to review the materials before the depositions.

The Plaintiffs Counsel's rationale lacks merit. The Plaintiffs' Counsel is responsible for maintaining and managing his schedule in manner that allows him to fulfill all of his obligations to all of his clients. Therefore, the Motion to Enlarge Time is due to be denied.

Accordingly, it is now

ORDERED:

Jason Yerk and Melanie Roberts Yerk's Motion for Extension of Time to Respond to Defendant's Subpoenas Duces Tecum (Doc. #93) is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 28th day of February, 2011.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record