

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STACEY SUE BERLINGER, BRIAN
BRUCE BERLINGER and HEATHER
ANNE BERLINGER, as Beneficiaries to the
Rosa B. Schwiker Trust and all of its related
trusts,

Plaintiffs,

v.

Case No: 2:11-cv-459-Ftm-99SPC

WELLS FARGO, N.A. AS SUCCESSOR
TO WACHOVIA BANK, N.A.,

v.

BRUCE D. BERLINGER and SUE
CASSELBERRY,

Third Party Defendants.

_____ /

ORDER

This matter comes before the Court on Plaintiffs' Motion to Quash Defendant's Issued to Ruben A. Doupe Subpoena to Produce Documents, Information, or Objects, or to Permit Inspection of Premises in a Civil Action (Doc. #50) filed on March 16, 2012. As the Parties are aware, this matter has been stayed for an extended period of time while disqualification issues are being litigated. In light of the stay of these proceedings, and thus, the stay of any obligations under the subpoena, and due to the fact that any rulings on the disqualification issue could affect the instant Motion, the Court is going to deny the Motion without prejudice at this time. Once the disqualification issue is resolved, the Plaintiffs may evaluate the status of this case to decide whether to re-file the Motion after meeting and conferring with opposing counsel.

Accordingly, it is now

ORDERED:

Plaintiffs' Motion to Quash Defendant's Issued to Ruben A. Doupe Subpoena to Produce Documents, Information, or Objects, or to Permit Inspection of Premises in a Civil Action (Doc. #50) is **DENIED without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of January, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record