

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ARTHREX, INC.,

Plaintiff,

v.

Case No: 2:11-cv-694-Ftm-29SPC

PARCUS MEDICAL, LLC,

Defendant.

ORDER

This matter comes before the Court on the Non-Party, Orlando Orthopaedic Outpatient Surgery Center, LLC.'s (OOOSC) Motion to Quash Subpoena *Duces Tecum* (Doc. #130) filed on March 11, 2013. Pursuant Fed. R. Civ. P. 45(c)(3)(A)(i), a subpoena shall be quashed if it fails to allow a reasonable time to comply. In re Rule 45 Subpoena to Fidelity National Information Services, Inc., 2009 WL4899399 * 1 (M.D. Fla. December 11, 2009). Although reasonable time is not explicitly defined in this section of Rule 45, other courts have looked at the language of Rule 45(c)(2)(B) to find fourteen (14) days for the date of service is presumptively reasonable. Id. (citing McClendon v. TelOhio Credit Union, Inc., 2006 WL 2380601 (S.D. Ohio August 14, 2006)).

As grounds to quash the subpoena, OOOSC states that it was served with the subpoena on March 7, 2013, and directed to produce/appear on March 11, 2013. OOOSC only had one (1) actual working day to locate and gather the documents requested in the subpoena. The Court finds that OOOSC was not given sufficient notice under Rule 45 to comply with the subpoena. Thus, good cause exists to grant the Motion and quash the subpoena *duces tecum*.

Accordingly, it is now

ORDERED:

The Non-Party, Orlando Orthopaedic Outpatient Surgery Center, LLC.'s Motion to Quash Subpoena *Duces Tecum* (Doc. #130) is **GRANTED**. The subpoena *duces tecum* served on the Non-Party Orlando Orthopedic Outpatient Surgery Center on March 7, 2013 is hereby **QUASHED**.

DONE and **ORDERED** in Fort Myers, Florida this 12th day of March, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record