

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

Case No: 2:15-cv-419-FtM-29CM

HOSPMAN, LLC,

Defendant.

ORDER

Before the Court is Defendant Hospman, LLC's Motion to Compel Production from Non-Party without Deposition (Doc. 32). No response in opposition has been filed, and the time has expired for Plaintiff to do so. For the reasons set forth below, Defendant's Motion is granted.

Pursuant to the federal rules the party serving the subpoena may move the Court for an order requiring compliance with subpoena. Fed. R. Civ. P. 45(d)(2)(B)(i). Here, Defendant served subpoenas on the Florida Department of Revenue (the "Department") for Sales Tax Returns from January 1, 2012 – July 31, 2012 for the Best Western Airport Inn and from January 1, 2012 – July 31, 2012 for the Floridian Airport Inn. Doc. 32 at 1. The Department objected pursuant to Florida Statutes § 213.053(9), which provides, in pertinent part, that the Department shall provide returns "pursuant to an order of a judge of a court of competent jurisdiction." Defendant states that this information is critical to its defense that it

had a legitimate reason to terminate employment. Accordingly, the Court will order the Department to comply with the subpoenas on or before **June 27, 2016**.

ACCORDINGLY, it is hereby

ORDERED:

Defendant Hospman, LLC's Motion to Compel Production from Non-Party without Deposition (Doc. 32) is **GRANTED**. The Florida Department of Review must comply with the subpoenas on or before **June 27, 2016**.

DONE and **ORDERED** in Fort Myers, Florida on this 27th day of May, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record