

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**SHANNON MILLER, JEN BANFORD
and ANNETTE WILES,**

Plaintiffs,

v.

Case No: 5:17-mc-5-Oc-10PRL

**THE BOARD OF REGENTS OF THE
UNIVERSITY OF MINNESOTA**

Defendant,

and

DAVID GOLDBERG

Non-Party.

ORDER

On April 3, 2017, the Court issued an Order directing the parties and non-party, David Goldberg, to show cause why Mr. Goldberg's motion to transfer and quash subpoena should not be denied as moot. (Doc. 2). The parties and Mr. Goldberg have now filed responses advising that the issue raised by the motion – specifically, whether the subpoena for Mr. Goldberg's deposition on March 31, 2017 should be quashed – is moot because the date for which the deposition was noticed has already passed. (Docs. 3, 4).

Nonetheless, Mr. Goldberg and Defendant assert that “to the extent Plaintiffs intend to seek enforcement of the subpoena, or the imposition of sanctions or adverse inferences due to Mr. Goldberg failing to appear for deposition on March 31, 2017, then, respectfully, Mr. Goldberg asserts that his motion should not be denied as moot, but should be transferred to the District of Minnesota for further proceedings.” Doc. 3 at 2-3. However, none of these potential scenarios

are raised by the instant motion. Because, at this point, there is no live controversy for the Court to consider here, there is likewise nothing to be transferred to the District of Minnesota.

Accordingly, Mr. Goldberg's motion to transfer and quash subpoena (Doc. 1) is terminated as **moot**. The **Clerk** is directed to close this matter.

DONE and **ORDERED** in Ocala, Florida on April 11, 2017.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties