UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

LAWRENCE E. SCHWANKE, DC, a Florida resident, individually and as the representative of a class of similarly-situated persons

Plaintiff,

v.

Case Nos: 5:16-cv-597-Oc-30PRL; 5:17-mc-00006-WTH-PRL

JB MEDICAL MANAGEMENT SOLUTIONS, INC., MCKESSON CORPORATION and JOHN DOES 1-12

Defendants.

ORDER

There are apparently two matters pending before the Court here, both of which have the same parties: one is a case (*Schwanke v. JB Medical Management Solutions, Inc., et al*, 5:16-cv-597-Oc-30PRL) and the other appears to be a discovery issue stemming from the underlying case (*Schwanke v. JB Medical Management Solutions, Inc., et al*, 5:17-mc-00006-WTH-PRL). But, as explained below, it appears that there should be only one.

On February 14, 2017, Plaintiff served a subpoena decus tecum on Defendant JB Medical Management Solutions, Inc. (See Doc. 1 in 5:17-mc-00006-WTH-PRL). This subpoena, however, was served not here but in California, as JB Medical is located in California's Central District. (*See Schwanke v. JB Medical Management Solutions, Inc., et al*, No. 2:17-mc-43; Docs 1-1, 1-2 in 5:17-mc-00006-WTH-PRL). JB Medical did not answer the subpoena and Plaintiff then filed a motion to compel compliance. (Doc. 1 in 5:17-mc-00006-WTH-PRL).

In the California filing the Plaintiff there (who is also the Plaintiff here) also asked that Court to transfer the issue "to Judge James S. Moody, Jr., who is presiding over the underlying action," which is the "Original action pending in U.S. District Court for the Middle District of Florida, Case No. 15 CV 597 OC 30PRL." (See Doc. 1 at 1–2 in 5:17-mc-00006-WTH-PRL). This request was apparently granted by California's Central District. (Docs. 14–16 in 5:17-mc-00006-WTH-PRL).

Yet, instead of the motion to compel and its associated entries (namely a response and a reply (Docs. 12, 13 in 5:17-mc-00006-WTH-PRL)) being entered unto the docket in the underlying case pending before Judge Moody at 5:16-cv-597-Oc-30PRL, a new matter was created at 5:17-mc-00006-WTH-PRL and is currently pending before a different district judge. And now, this issue was recently brought to the Court's attention.

Upon due consideration, I submit that Plaintiff's motion to compel and the associated filings (Docs. 1, 12, and 13) that are currently pending in 5:17-mc-00006-WTH-PRL should be moved into 5:16-cv-597-Oc-30PRL, which is pending before Judge Moody and is the underlying action. After that, 5:17-mc-00006-WTH-PRL should be administratively closed. Accordingly, the parties **SHALL** notify the Court **on or before June 30, 2017** whether they oppose this relief.

DONE and **ORDERED** in Ocala, Florida on June 23, 2017.

PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties
District Judge Hodges
District Judge Moody