

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ABDULLATIF JAMEEL HOSPITAL,

Plaintiff,

v.

Case No: 8:15-cv-2160-T-35JSS

INTEGRITY LIFE SCIENCES, LLC,

Defendant.

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**ORDER ON PLAINTIFF'S MOTION TO COMPEL DOCUMENT  
PRODUCTION FROM NON-PARTY 2190 W. BUSCH BOULEVARD, LLC**

THIS MATTER is before the Court on Plaintiff's Motion to Compel Document Production from Non-Party 2190 W. Busch Boulevard, LLC ("Motion"). (Dkt. 64.) In the Motion, Plaintiff states that it served non-party 2190 W. Busch Boulevard, LLC ("2190") with a subpoena to produce documents in aid of execution, and, despite being served, 2190 has not responded to the subpoena or produced responsive documents. Therefore, Plaintiff seeks an order compelling 2190 to respond to the subpoena and awarding Plaintiff its costs and fees incurred in bringing the Motion. In response, 2190 contends that it was not properly served with the subpoena because the individual who accepted service was not authorized to do so, and therefore requests that the Motion be denied. (Dkt. 69.) Nonetheless, 2190 agrees to respond to the subpoena. (Dkt. 69 at 3.)

In light of 2190's agreement to respond to the subpoena, the Motion is denied as moot. Non-party 2190 shall respond to the subpoena within thirty (30) days of this Order. The Motion is denied without prejudice to Plaintiff should renewal of the Motion become warranted upon review of 2190's responses to the subpoena. Plaintiff is reminded that unless service has been effected on 2190, the Court lacks jurisdiction to enforce the subpoena. *See Wrangen v. Pennsylvania Lumbermans Mut. Ins. Co.*, No. 07-61879, 2008 WL 5427785, at \*1 (S.D. Fla. Dec.

30, 2008) (“In the absence of proper service of a subpoena on [a non-party] the Court lacks jurisdiction over the [non-party]” and cannot compel it to permit a party’s inspection of its property). Accordingly it is

**ORDERED** that Plaintiff’s Motion to Compel Document Production from Non-Party 2190 W. Busch Boulevard, LLC (Dkt. 64) is **DENIED** as moot, but without prejudice.

**DONE** and **ORDERED** in Tampa, Florida, on May 4, 2017.

  
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JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record  
Any Unrepresented Party