

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

MISTY CARUSO,

Plaintiff,

v.

CASE NO. 8:16-cv-349-T-26AAS

WESTFIELD, LLC and  
COUNTRYSIDE MALL, LLC,

Defendants.

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**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the procedural history of this case, together with the Defendants' counsel's written submissions, it is **ORDERED AND ADJUDGED** that the Motion to Compel, to Tax Fees and Costs and/or for an Order to Show Cause (Dkt. 21) is **denied** because Defendants' counsel has failed to establish that Dr. Kaszuba *personally* has failed to produce Plaintiff's medical records or otherwise engaged in contemptuous conduct. Moreover, any failure to produce Plaintiff's medical records sought by Defendants' counsel from Dr. Kaszuba's office obviously has not prejudiced the Defendants in preparing and defending their case because their counsel filed a Joint Proposal for Settlement at docket 20 the same day he filed the motion which is the subject of this order. However, to the extent Defendants need Plaintiff's medical records from the office of Dr. Kaszuba, Plaintiff's

counsel is directed to intervene with that office in securing those medical records but at Defendants' expense.

The Clerk is directed to send a copy of this order to Dr. Kaszuba at his office address of 1803 Briar Creek Boulevard, Safety Harbor, Florida 34695.

**DONE AND ORDERED** at Tampa, Florida, on April 14, 2017.

*s/Richard A. Lazzara*  
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**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record  
Dr. Kaszuba