

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NATIONAL SOURCING, INC. and
PEDRO L. VALDEZ,

Plaintiffs,

v.

Case No: 8:17-cv-1950-T-36JSS

STEPHEN R. BRACCIALE, ANGELUS
TAM, TEK SOURCE USA, INC. and
SAINT ANTON CAPITAL, LLC,

Defendants.

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ORDER

THIS MATTER is before the Court on Non-Party Greenberg Traurig, P.A.'s Motion to Quash Subpoena and Request for Attorneys' Fees ("Motion to Quash") (Dkt. 36), and Defendants' Motion to Strike Plaintiff National Sourcing, Inc.'s Sworn Declaration and Certification of Business Records ("Motion to Strike") (Dkt. 40). On December 5, 2017, a hearing was held on the Verified Motion to Disqualify Counsel for Defendants, Greenberg Traurig, LLP ("Motion to Disqualify"), filed by Plaintiff National Sourcing, Inc. ("NSI") (Dkt. 25) which remains pending at this time.

As to the Motion to Quash, at the hearing, NSI stated that it withdrew the subpoena as to its request for witness attendance at the hearing and narrowed its request for production to Greenberg Traurig's invoices to NSI. As stated at the hearing, the subpoena is quashed as a premature discovery request, but without prejudice to NSI to seek this discovery, if warranted, after the case management meeting has been conducted. *See* M.D. Fla. Local R. 3.05(c)(2)(B) ("Unless otherwise ordered by the Court, a party may not seek discovery from any source before

the [case management] meeting.”). The Motion to Quash is therefore granted as to the request to quash the subpoena, but denied as to the request for an award of attorneys’ fees.

In their Motion to Strike, Defendants seek to strike a declaration NSI filed in support of its Motion to Disqualify (“Declaration”) (Dkt. 37). NSI filed the Declaration on the eve of the hearing on the Motion to Disqualify. While the Declaration was filed too late to be utilized during the hearing on the Motion to Disqualify, it is not otherwise improper and, therefore, the Motion to Strike is denied. Defendants may have twenty days to respond to the Declaration.

Accordingly, it is **ORDERED**:

1. Non-Party Greenberg Traurig, P.A.’s Motion to Quash Subpoena and Request for Attorneys’ Fees (Dkt. 36) is **GRANTED** in part as stated herein.

2. Defendants’ Motion to Strike Plaintiff National Sourcing, Inc.’s Sworn Declaration and Certification of Business Records (Dkt. 40) is **DENIED**. Defendants may file a response to the Declaration (Dkt. 37) within twenty (20) days.

DONE and **ORDERED** in Tampa, Florida, on December 5, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record