

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

COLLEEN DENNIS,

Plaintiff,

v.

Case No.: 8:17-cv-2022-T-36AAS

CARSON SMITHFIELD, LLC,

Defendant.

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ORDER

Before the Court is Plaintiff Colleen Dennis’s (“Plaintiff’s”) and Defendant Carson Smithfield, LLC, (“Defendant’s”) **Joint Stipulation for Leave to Serve Plaintiff’s Subpoena on MetroPCS Prior to Case Management Conference.** (Doc. 13).

Discovery is usually barred before the parties meet for a conference pursuant to Rule 26(f), Fed. R. Civ. P. *See* Fed. R. Civ. P. 26(d)(1) (“A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.”). However, for good cause, the Court may allow early discovery. *Hospitalists Mgmt. Grp., LLC v. Florida Med. Affiliates, Inc.*, No. 2:14–CV–242–FtM–38DNF, 2014 WL 2565675, at *1 (M.D. Fla. June 6, 2014). Good cause exists when the parties establish “a clear connection between the discovery sought and the alleged potential harm.” *See Charles Schwab & Co., Inc. v. McMurry*, No. 2:08-CV-534-FtM-29SPC, 2008 WL 11334541, at *2 (M.D. Fla. July 14, 2008).

The parties agree that service of Plaintiff’s Subpoena on Metro PCS to obtain her own phone records prior to the Case Management Conference would assist the parties’ evaluation of

the case. (Doc. 13 at 2). Access to the Plaintiff's phone records go to the heart of Plaintiff's claims against Defendant for alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, where Defendant is alleged to have made numerous phone calls to Plaintiff's cellphone despite Plaintiff's request that Defendant cease such phone calls. (*See* Doc. 1).

Upon consideration, the Court finds the parties have demonstrated the requisite good cause to serve the requested subpoena on Metro PCS. Accordingly, it is **ORDERED** that the Joint Stipulation for Leave to Serve Plaintiff's Subpoena on MetroPCS Prior to Case Management Conference (Doc. 13) is **GRANTED**.

DONE AND ORDERED in Tampa, Florida on this 18th day of October, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge