

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ADAM KAZAL,

Petitioner,

v.

Case No. 8:17-cv-2620-T-33JSS

MATTHEW PRICE,

Respondent.

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ORDER

This cause comes before the Court pursuant to Petitioner Adam Kazal's Emergency Motion to Compel (Doc. # 8), which was filed on November 7, 2017. The Court grants the Motion as follows.

Discussion

Kazal initiated this action on November 2, 2017, when he filed an Emergency Application for an Order Permitting Discovery for use in a Foreign Proceeding Under 28 U.S.C. § 1782 and to Shorten Time for Notice to Respondent (Doc. # 1). Kazal explained that he needs exculpatory information from Price because Kazal is incarcerated in Australia and a hearing is set in Australia on November 10, 2017. This Court granted Kazal's first Emergency Motion on November 3, 2017. (Doc. # 3). Among other determinations, the Court ruled that "Petitioner may conduct discovery of Respondent Matthew Price, including requiring him to produce documents and testify at a

deposition upon shortened notice of less than fourteen (14) days as required by M.D. Fla. R. 3.02, by subpoena, deposition notice, or as otherwise allowed by the Federal Rules of Civil Procedure." (Id. at 2). The Court retained jurisdiction over the matter to enforce the Order. (Id.).

At this juncture, Kazal has filed an Emergency Motion to Compel pursuant to Federal Rule of Civil Procedure 45, Local Rule 3.04, M.D. Fla., and supporting documentation. (Doc. # 8). Price's deposition was set for today, November 7, 2017, in New Port Richey, Florida, but Kazal explains: "Price failed to both appear at his scheduled deposition and produce a single document, and as a result, Kazal's freedom remains at risk." (Id. at 1). Kazal indicates, "The hearing before the Australian Court in Sydney is set for this Friday morning at 9:30 a.m. AEDT - 16 hours ahead of EDT - and the clock is ticking." (Id. at 3).

Here, Kazal requests an Order requiring Price to appear for a Show Cause hearing on November 9, 2017, at 9:00 AM. However, rather than holding a hearing, the Court determines that the best course of action is to Order immediate compliance with the terms of the November 3, 2017, Order and specifically direct Price to appear for a deposition to be

held at a mutually convenient time to be coordinated by the parties, to take place on or before **November 8, 2017**.

In the instance that Price fails to appear at the deposition or fails to produce the required documents, he will be subject to sanctions, including the payment of attorneys' fees and costs or other penalties.

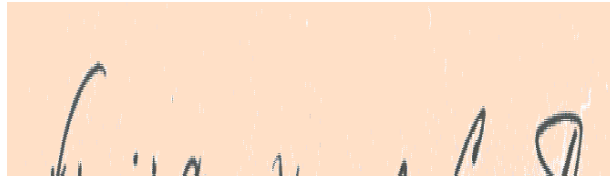
Accordingly, it is

ORDERED, ADJUDGED, and DECREED that:

- (1) Petitioner Adam Kazal's Emergency Motion to Compel (Doc. # 8) is **GRANTED**.
- (2) The Court Compels Matthew Price to comply with the subpoena for documents and testimony for use in a proceeding in the Federal Court of Australia. Because the hearing is set in the Australian Court for November 10, 2017, this Court requires that Price appear for his deposition by **November 8, 2017**. The Court understands that the time period for compliance is indeed short, but the need for the information is great because Kazal's liberty is at stake.
- (3) The Court retains jurisdiction over this matter to enforce the letter and the spirit of this Order. The Court requires immediate compliance with the terms of its Orders and will impose monetary sanctions on Price should

Price fail to abide by the terms of the Court's Orders.
Such sanctions could include attorneys' fees, costs, or
other penalties.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 7th
day of November, 2017.

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