

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**JOSEPH C. FORGIONE and  
CHARLENE LYNN FORGIONE  
DIETZ, as co-personal representatives  
of the ESTATE OF ANTHONY “TONY”  
FORGIONE, deceased,**

**Plaintiffs,**

v.

**CASE NO. 3:13-cv-337-RS-CJK**

**HCA, INC.; FORT WALTON BEACH  
MEDICAL CENTER, INC.; CHUCK  
J. HALL; WAYNE CAMPBELL;  
ROLAND GARRIGA; and DIXIE  
FERGUSON,**

**Defendants.**

\_\_\_\_\_ /

**ORDER**

Before me is the Government’s Motion for Temporary Restraining Order (Doc. 3). The Government removed a portion of a state court case to quash subpoenas for depositions against federal employees. “[R]emoval of an action pursuant to § 1442(a) normally brings to federal court the *entire* action. ‘However, proceedings to enforce a subpoena against a federal officer may be determined to be ancillary to the state court action, such that the subpoena proceedings are removable but the underlying civil action remains in state court.’ ” *Pollock v. Barbosa Group, Inc.*, 478 F.Supp.2d 410, 413 (W.D.N.Y 2007). Plaintiffs do not

object to the Government's motion. Therefore, the Motion for Temporary Restraining Order is **GRANTED** pursuant to Fed. R. Civ. P. 65. Plaintiffs are enjoined from enforcing the subpoenas until the Government's forthcoming dispositive motion on the propriety of the subpoenas is resolved.

**ORDERED** on May 29, 2013.

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**