

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-21213-CIV-LENARD/GARBER

PETER C. TOSTO, THOMAS
TELEGRADES, et al.,

Plaintiffs,

v.

JOHN C. ZELAYA, et al.,

Defendants.

_____ /

OMNIBUS ORDER

_____ THIS CAUSE is before the court by Order of Reference from U.S. District Judge Joan A. Lenard. Pursuant to such reference the Court has Non-Party Adams Gallinar P.A.'s Motion for Enlargement of Time to Respond to Subpoena Duces Tecum [DE 230] and Plaintiff/Assignee Judgment Creditor Zelaya/Capital International Judgment, LLC's Motion to Compel Adams Gallinar, P.A. to Comply with Subpoena Duces Tecum and Response to Adams Gallinar's Motion for Enlargement of Time to Respond to Subpoena Duces Tecum [DE 231].

The Judgment Creditor served a subpoena on Adams Gallinar on February 8, 2010. The documents responsive to the subpoena were due to be produced on February 26, 2009. A week after the due date, Adams Gallinar filed its Motion for Enlargement of Time. The same day, the Judgment Creditor filed its Motion to Compel.

Adams Gallinar's response to the subpoena and request for an extension of time are overdue. Furthermore, Adams Gallinar has not raised any objections to the subpoena. *See* Fed. R. Civ. P. 45(B) (stating that a party waives any objections to a subpoena unless the objection is "served before

the earlier of the time specified for compliance or 14 days after the subpoena is served”).

Accordingly, the Court hereby

ORDERS the following:

1. Plaintiff/Assignee Judgment Creditor Zelaya/Capital International Judgment, LLC’s Motion to Compel [DE 231] is hereby GRANTED.
2. Adams Gallinar, P.A.’s Motion for Enlargement of Time [DE 230] is DENIED.
3. Adams Gallinar, P.A. shall comply with the Motion to Compel within fifteen (15) days of this Order.

DONE AND ORDERED in Chambers at Miami, Florida this 10th day of March, 2010.


BARRY L. GARBER
UNITED STATES MAGISTRATE JUDGE