

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-20766-CIV-MOORE/SIMONTON

RAIT PARTNERSHIP, L.P.,

Plaintiff,

v.

FIELDSTONE LESTER SHEAR  
& DENBERG, LLP et al.,

Defendants.

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**ORDER DENYING FOR LACK OF JURISDICTION DEFENDANT LAWYERS  
TITLE INSURANCE CORPORATION'S EMERGENCY MOTION TO  
COMPEL NON-PARTY LEDGEWOOD, P.C. TO PRODUCE DOCUMENTS**

Presently pending before the Court is Defendant Lawyers Title Insurance Corporation's Emergency Motion To Compel Non-Party Ledgewood, P.C. To Produce Documents Pursuant to Fed.R.Civ.P. 45(c)(2)(B) (DE # 173). All discovery matters in this case are referred to the undersigned Magistrate Judge (DE # 84).

Plaintiff has filed an emergency motion to compel non-party Ledgewood, P.C. to produce certain documents responsive to a subpoena duces tecum issued by the United States District Court for the Eastern District of Pennsylvania and also returnable in that district (Ex. A to DE # 173). However, this Court does not have jurisdiction to enforce the subpoena issued by the United States District Court for the Eastern District of Pennsylvania. The Advisory Committee note to the 1991 amendment to Fed.R.Civ.P. 45(a)(2) states that the court in whose name the subpoena issued is responsible for its enforcement. See *Matter of Certain Complaints Under Investigation*, 783 F.2d 1488, 1495 (11th Cir. 1986); see also *In re Sealed Case*, 141 F.3d 337, 341 (D.C. Cir. 1998); *In re Digital Equipment Corp.*, 949 F.2d 228, 231 (8th Cir. 1991); *Chick-Fil-A v. Exxonmobil*

*Corp.*, 2009 WL 2242392 at \*1 (S.D. Fla. Jul. 24, 2009); *Thelen Reid & Priest LLP v. Marland*, 2007 WL 578989 at \*9 (N.D. Cal. Feb. 21, 2007); *Rios v. Indiana University*, 2005 WL 1828767 at \*2 (N.D. Ind. Jul. 28, 2005); *In re Application for Order Quashing Deposition Subpoenas*, 2002 WL 1870084 at \*6 (S.D.N.Y. Aug. 14, 2002); *Productos Mistolin, S.A. v. Mosquera*, 141 F.R.D. 226, 228-29 (D.P.R. 1992).<sup>1</sup>

Therefore, for the reasons stated above, it is hereby

**ORDERED AND ADJUDGED** that Defendant Lawyers Title Insurance Corporation's Emergency Motion To Compel Non-Party Ledgewood, P.C. To Produce Documents Pursuant to Fed.R.Civ.P. 45(c)(2)(B) (DE # 173), is **DENIED without prejudice to renew in the proper forum.**

**DONE AND ORDERED** in chambers at Miami, Florida, on November 8, 2010.

  
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ANDREA M. SIMONTON  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
The Honorable K. Michael Moore,  
United States District Judge  
All counsel of record

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<sup>1</sup> Similarly, Rule 45(e) states that a failure to obey a subpoena may be deemed a contempt of the court from which the subpoena issued.