

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-20938-CIV-KING

NICHOLAS ESTRELLA,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,

Defendant.

**ORDER GRANTING MOTION TO COMPEL, DENYING OBJECTIONS FILED
BY WELLS FARGO¹**

THIS MATTER comes before the Court upon Defendant Federal Insurance Company's Motion to Compel (DE #40), filed December 9, 2010. Therein, Defendant Federal seeks to compel non-party Wells Fargo to respond to a subpoena with which it was served on September 10, 2010. After a series of continuances and discussions regarding the substantive contents of that subpoena, Defendant extended by over two months the date by which Wells Fargo could respond. However, on the eve of the final deadline, Wells Fargo filed its Objection to Subpoena (DE #37) on December 8, 2010.

In its Objections, however, Wells Fargo simply refers the Court to numerous conversations between the parties, all of which pertain to the correspondence exchanged between those individuals required to respond to Defendant's subpoena. The only stated basis for objection to Defendant's subpoena appears to be one based on a stated intention

¹ It must be noted that there appears to be some confusion in the record regarding the entity that is required to respond to the subpoena. In its Motion to Compel, Defendant Federal refers to the non-party as Wachovia. In the non-party's own filing, it refers to itself as Wells Fargo. This confusion likely arises as a result of the recent acquisition of Wachovia by Wells Fargo. For the sake of consistency, the Court refers to only Wells Fargo.

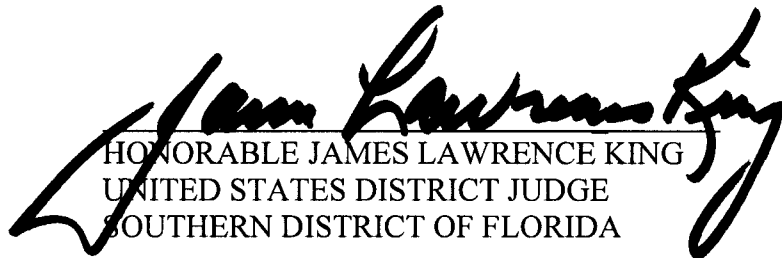
pending, which have been referred to Magistrate Judge Ted E. Bandstra for consideration.

The Court determines that Wells Fargo's objections must be overruled. Wells Fargo has stated an insufficient basis for relief and has stated no specific basis for its own objections.

Accordingly, after a careful review of the record and the Court otherwise being advised in the premises, it is **ORDERED, ADJUDGED and DECREED** that:

1. Defendant's Motion to Compel (DE #40) be, and the same is hereby, **GRANTED**.
2. Non-party Wells Fargo's Objections (DE #37) are **OVERRULED**. Wells Fargo shall **RESPOND** to Defendant's subpoena **within ten days** of the date of this Order.

DONE AND ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 10th day of December, 2010.


HONORABLE JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

Copies furnished to:

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