

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DEBORAH CREECH,)	
)	
Plaintiff,)	
v.)	
)	Case No. CV416-011
ONEBEACON AMERICA)	
INSURANCE COMPANY,)	
)	
Defendant.)	

ORDER

Defendant OneBeacon America Insurance Company filed a Fed. R. Civ. P. 45(g) motion to compel Gary T. Parker to produce “employment or driving/trucking records.” Because that motion was technically unopposed by operation of Local Rule 7.5 (no response means no opposition), the Court was inclined to grant it. Doc. 23 (citing doc. 18). But OneBeacon had served Parker by mail, rather than personal service. *Id.* at 1. And as even OneBeacon pointed out, doc. 18 at 2, the rule requires personal service, Rule 45(b), though some courts have looked the other way. *See S.E.C. v. Rex Venture Group, LLC*, 2013 WL 1278088 at * 2 (M.D. Fla. Mar. 28, 2013) (collecting cases); *see also id.* (“It does not appear the Eleventh

Circuit has addressed this particular issue and the Court finds these cases persuasive, especially since it is clear that Mr. Woods received the subpoena both by federal express and certified mail.”).

This Court wanted to rule in OneBeacon’s favor, but the record failed to show even mail-service on Parker. Doc. 23 at 2. So it invited Parker to respond (it directed the Clerk to serve him by mail, at the address OneBeacon supplied). *Id.* at 3. The Court warned him that if it did not hear from him he would face contempt under Rule 45(g). *Id.* Finally, the Court invited OneBeacon to submit a proposed Order upon his non-compliance. *Id.*

Parker has failed to respond. But OneBeacon has failed to submit that proposed Order. Per Local Rule 41(c) (abandonment), its Motion To Compel (doc. 18) is therefore **DENIED** without prejudice to its right to renew it *with* a proposed Contempt Order directing OneBeacon to personally serve it upon Parker. The Order must give him 14 days, from the date of that service, to show why he should not be held in contempt.

SO ORDERED, this 22nd day of August, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA