

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY R. MISKEL, )  
)  
Plaintiff, )  
)  
v. )  
)  
BEELMAN RIVER TERMINALS, INC., SCF) )  
LEWIS & CLARK MARINE, INC., M/V) )  
KATIE MAURINE, and SCF LEWIS AND) )  
CLARK FLEETING LLC., )  
)  
Defendants. )

Case No. 3:14-cv-338-SMY-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court are the Motion for Contempt or Directing Compliance against Felipe Tostado filed by Defendant, SCF Lewis and Clark Fleeting LLC, on August 24, 2015 (Doc. 53) and the Supplemental Motion for Contempt or Directive Compliance filed by Defendant on September 17, 2015 (Doc. 56). The Motions are **GRANTED IN PART**.

On July 30, 2015, a subpoena was personally served upon Felipe Tostado, a non-party to this action, commanding him to appear for a deposition scheduled for August 14, 2015 in Granite City, Illinois. The subpoena appears to comply with the requirements of Federal Rule of Civil Procedure 45 and no motion to quash was filed in this matter. Mr. Tostado failed to appear at the scheduled deposition. Defendant seeks a citation for civil contempt and an Order directing Mr. Tostado to appear at a deposition scheduled for October 21, 2015.

Defendant shall serve a second subpoena upon Felipe Tostado commanding him to appear for a deposition on October 21, 2015 at 11:00 a.m. consistent with Rules 30 and 45. Felipe Tostado is hereby **ORDERED** to comply with the subpoena. Failure to comply **SHALL** result in

an order to show cause, in person, why he should not be held in contempt and sanctioned for the failure to comply with a duly issued subpoena.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to Mr. Tostado at his address, 2754 N. 42nd Street, East St. Louis, IL 62201.

**IT IS SO ORDERED.**

**DATED: September 18, 2015**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**