

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK-----X
DONNA CARUSO,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.
-----X**LINDSAY, Magistrate Judge:**

Before the court is the defendant's letter motion dated October 7, 2013, seeking to hold Ricky Madhok, M.D., a non-party witness, in contempt for his failure to comply with a subpoena. Although pursuant to Rule 45(e) an issuing court may hold a person in contempt who, having been served, fails without adequate excuse to obey the subpoena, this court requires that defendant first proceed by a motion to compel. Dr Madhok may thereafter respond by outlining the legal basis for his refusal to comply. Accordingly, the motion to hold Dr. Madhok in contempt is denied with leave to renew. The plaintiff is directed to personally serve their anticipated motion to compel on Dr. Madhok.

Dated: Central Islip, New York
October 10, 2013

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge