

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 9/8/2021

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TALMAN HOWARD,	:	
	:	
Plaintiff,	:	
	:	21-MC-693 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
BRIGHTWAY INSURANCE, INC.,	:	
	:	
Defendant.	:	
	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 11, 2020, Plaintiff filed a complaint against Brightway Insurance, Inc., alleging claims of age discrimination, breach of the implied duty of good faith and fair dealing, and breach of contract, *see* Compl., 20-CV-1020, Dkt. 1 (M.D. Fl. Sept. 11, 2020);

WHEREAS as part of the Florida litigation, Plaintiff served non-party Bronfman, LLC (“Bronfman”) with a subpoena to produce discovery, *see* Mem. of Law, Dkt. 1 at 4;

WHEREAS Plaintiff alleges that Bronfman has failed to respond fully to the subpoena, in violation of Rule 37(a)(4) of the Federal Rules of Civil Procedure, *id.* at 6;

WHEREAS a motion for an order compelling discovery from a non-party “must be made in the court where the discovery is or will be taken,” Fed. R. Civ. P. 37(a)(2);

WHEREAS on September 1, 2021, Plaintiff moved in this district to compel non-party Bronfman to produce discovery, *see* Mem. of Law, Dkt. 1;

WHEREAS Plaintiff’s memorandum of law in support of his motion to compel references an Exhibit B (the complaint in the underlying matter), an Exhibit C (the subpoena at issue), and an Exhibit D (a joint letter), *id.*;

WHEREAS Exhibits B, C, and D are not attached to the memorandum of law;

WHEREAS Plaintiff certified that he served the motion to compel on counsel for non-party Bronfman and on Defense counsel, *id.* at 12; and

WHEREAS Defendant and non-party Bronfman have not appeared in this action;

IT IS HEREBY ORDERED that by no later than **Friday, September 10, 2021**, Plaintiff must file Exhibits B, C, and D on the docket.

IT IS FURTHER ORDERED that any response by non-party Bronfman and by Defendant to the motion to compel is due no later than **Friday, September 24, 2021**. Plaintiff's reply in support of its motion, if any, is due no later than **Friday, October 1, 2021**.

IT IS FURTHER ORDERED that, by no later than **Friday, September 10, 2021**, Plaintiff must serve a copy of this Order on Defense counsel and on counsel for non-party Bronfman and file proof of service on the docket.

SO ORDERED.

Date: September 8, 2021
New York, NY



VALERIE CAPRONI
United States District Judge