

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, ORLANDO DIVISION

Hunting v. Capital One Bank, N.A.

Hunting · No. 6:25-cv-1391-JSS-LHP · Decided January 6, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied without prejudice Plaintiff Alexander Hunting’s unopposed motion to compel document production from a non-party. The Court identified deficiencies concerning word limits, conferral, service on the non-party, and the appropriate court for enforcing the subpoena.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Leslie A. Price
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	January 6, 2026
DOCKET	6:25-cv-1391-JSS-LHP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an unopposed motion to compel production of documents from a nonparty under a subpoena.
STANDARD OF REVIEW	The court reviewed the motion for compliance with the Federal Rules of Civil Procedure, the Local Rules, the Standing Order on Discovery Motions, and applicable court orders.
PRECEDENTIAL VALUE	Unpublished federal district court order; limited precedential value.
PARTIES	Alexander Hunting v. Capital One Bank, N.A.

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- Civil procedure
- Discovery
- Subpoenas

QUESTIONS PRESENTED

1. Whether the motion to compel production from a nonparty complied with the Standing Order on Discovery Motions and applicable Local Rules.
2. Whether the motion demonstrated the required conferral with the nonparty.
3. Whether the motion demonstrated service on the nonparty as required for a motion concerning a subpoena.
4. Whether the motion was filed in the court where compliance with the subpoena was required.

HOLDINGS

1. The motion to compel was procedurally deficient and could not be granted because it failed to comply with the Standing Order on Discovery Motions and applicable procedural requirements.
2. A motion to compel compliance with a nonparty subpoena must be filed in the court where compliance is required; because the subpoena identified Hollywood, Florida, as the place of compliance, the court was not satisfied that filing in the Middle District of Florida was proper.

KEY QUOTATIONS

“The prevailing rule across federal courts, and the courts within this circuit, is that a subpoena’s place of compliance is the district where documents are to be produced.”

FACTUAL BACKGROUND

Plaintiff sought to compel a nonparty, The Mental Health Association of Central Florida, Inc., to produce documents. The subpoena identified Hollywood, Florida, in Broward County, as the place of compliance. The motion did not state that Plaintiff conferred with the nonparty or that the motion was served on the nonparty, and it also exceeded the applicable word limitations.

PROCEDURAL HISTORY

The court considered Plaintiff's Unopposed Motion to Compel Production of Documents from Non-Party, The Mental Health Association of Central Florida, Inc. The court denied the motion without prejudice because it violated the standing order's word limits, failed to state that Plaintiff conferred with the nonparty, failed to show service on the nonparty, and potentially was filed in the wrong court based on the subpoena's place of compliance.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Any renewed motion must address the identified defects and fully comply with the Federal Rules of Civil Procedure, the Local Rules, and all applicable Court Orders.

CASES CITED

- Clay v. IH4 Prop. Fla., L.P., No. 2:19-cv-423-FtM-66NPM, 2020 WL 8918875, at *1 (M.D. Fla. July 2, 2020)
- St. Johns Ins. Co. v. Nautilus Ins. Co., No. 8:07-cv-2312-T-30MAP, 2008 WL 2090730, at *1 (M.D. Fla. May 12, 2008)
- Roca Labs, Inc. v. Consumer Opinion Corp., No. 8:14-cv-2096-T-33EAJ, 2015 WL 12939597, at *1 (M.D. Fla. June 17, 2015)
- Celestin v. City of Ocoee, No. 6:21-cv-896-RBD-EJK, 2022 WL 833131, at *1 (M.D. Fla. Jan. 13, 2022)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION ALEXANDER HUNTING, Plaintiff, v. Case No: 6:25-cv-1391-JSS-LHP CAPITAL ONE BANK, N.A, Defendant ORDER Before the Court is Plaintiff's Unopposed Motion to Compel Production of Documents from Non-Party, The Mental Health Association of Central Florida, Inc. Doc. No. 27.

On review, the motion will be DENIED without prejudice. First, the motion fails to comply with the word limitations set forth in the Standing Order on Discovery Motions. See Doc. No. 21. Second, the motion does not state that Plaintiff conferred with the non-party to which the motion is directed, as required by Local Rule 3.01(g). See, e.g., Clay v. IH4 Prop.

Fla., L.P., No. 2:19-cv-423-FtM-66NPM, 2020 WL 8918875, at *1 (M.D. Fla. July 2, 2020) (requiring conferral with the non-party pursuant to Local Rule 3.01(g)); St. Johns Ins. Co. v. Nautilus Ins. Co., No. 8:07-cv-2312-T-30MAP, 2008 WL 2090730, at *1 (M.D. Fla. May 12, 2008) (same).

Third, although the motion seeks to compel production from a non-party, the motion does not state that it was served on said non-party, by certificate of service or otherwise. See Fed. R. Civ. P. 45(d)(2)(B)(i) (requiring "notice to the commanded person"); Roca Labs, Inc. v. Consumer Opinion Corp., No. 8:14-cv-2096-T-33EAJ, 2015 WL 12939597, at *1 (M.D. Fla. June 17, 2015) (denying without prejudice motion to compel regarding non-party subpoena that did not state that the motion was served on the non-party).

Finally, it is not clear that the motion was filed in the appropriate Court, given that the place of compliance for the subpoena is set forth as Hollywood, Florida which is in Broward County. Doc. No. 27-1. See also Fed. R. Civ. P. 45(d)(2)(B)(i) (filing of motion to compel is to be in court where compliance is required); Celestin v. City of Ocoee, No. 6:21-cv-896-RBD-EJK, 2022 WL 833131, at *1 (M.D.

Fla. Jan. 13, 2022) ("The prevailing rule across federal courts, and the courts within this circuit, is that a subpoena's place of compliance is the district where documents are to be produced."). Any renewed motion must address these issues, and must fully comply with all Federal Rules of Civil

Procedure, Local Rules, and Court Orders. DONE and ORDERED in Orlando, Florida on January 6, 2026.

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Counsel of Record Qo

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