

**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

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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