

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

Southern Coast K9, LLC and 360 Security Partners, LLC v.
Marguerite Heiser and William Heiser

Southern Coast K9 · No. 6:25-cv-298-JA-LHP · Decided December 15, 2025

SUMMARY

The United States District Court for the Middle District of Florida denied Plaintiffs’ motion for reconsideration of an order granting Defendants’ motions for protective orders concerning subpoenas to three financial institutions. The court held that Plaintiffs’ failure to meet discovery-response deadlines, despite representation by multiple attorneys, did not establish excusable neglect or justify reconsideration.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Leslie A. N. Price
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	December 15, 2025
DOCKET	6:25-cv-298-JA-LHP
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 54(b) for reconsideration of a non-final order granting Defendants' motions for protective orders concerning subpoenas to three non-party financial institutions. The court denied reconsideration.
STANDARD OF REVIEW	Reconsideration of an interlocutory order is an extraordinary remedy used sparingly. Even under the more flexible standard applicable to non-final orders under Rule 54(b), reconsideration may be denied where the movant fails to demonstrate a sufficient basis such as a change in controlling law, newly available evidence, clear error, or manifest injustice.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

motion for reconsideration

discovery dispute

civil procedure

commercial litigation

PRACTICE AREAS

civil procedure

discovery

commercial litigation

QUESTIONS PRESENTED

1. What standard governs reconsideration of the prior non-final discovery order under Federal Rule of Civil Procedure 54(b), as compared with Rules 59(e) and 60(b)?
2. Whether Plaintiffs demonstrated excusable neglect, manifest injustice, clear error, newly available evidence, or another sufficient basis to reconsider the order granting Defendants' protective orders.

HOLDINGS

1. A court may reconsider, revise, alter, or amend a non-final order under its authority recognized by Federal Rule of Civil Procedure 54(b), and the standard may be more flexible than the standards under Rules 59(e) and 60(b).
2. Plaintiffs' failure to comply with an established discovery-response deadline because multiple attorneys overlooked or miscalculated the deadline did not establish excusable neglect, manifest injustice, clear error, or another basis warranting reconsideration.

KEY QUOTATIONS

“Reconsideration of a court order is an extraordinary remedy that must be used sparingly.” (at 1)

“When five different attorneys at three different law firms all miss the same deadline, the Court finds it hard to agree that excusable neglect exists.” (at 6)

FACTUAL BACKGROUND

Plaintiffs sought subpoenas directed to three non-party financial institutions for financial information relevant to their claims. Defendants moved for protective orders, but Plaintiffs failed to timely respond because their attorneys overlooked the Standing Order on Discovery Motions and miscalculated the response deadlines. Plaintiffs argued that counsel's medical leave caused excusable neglect and that denying the discovery would create manifest injustice, while Defendants argued that five attorneys representing Plaintiffs had received notice and that the requested information was overbroad and available from Plaintiffs' own records.

PROCEDURAL HISTORY

The court previously treated Defendants' motions for protective orders as unopposed because Plaintiffs failed to respond within the deadline established by the Standing Order on Discovery Motions. It granted the protective orders, sustained Defendants' objections to the subpoenas, and permitted Plaintiffs to serve revised subpoenas to the extent discovery fell outside the objections. Plaintiffs then moved for reconsideration, asserting excusable neglect and manifest injustice; the court denied the motion.

DISPOSITION

denied

CASES CITED

- Weaver v. Green Sols. of Fla. LLC, No. 6:23-cv-2059-CEM-LHP, 2024 WL 4275221, at *1 (M.D. Fla. Sept. 24, 2024)
- Taylor Woodrow Constr. Corp. v. Sarasota/Manatee Airport Auth., 814 F. Supp. 1072, 1072 (M.D. Fla. 1993)
- Sussman v. Salem, Saxon & Nielsen, P.A., 153 F.R.D. 689, 694 (M.D. Fla. 1994)
- Burger King Corp. v. Ashland Equities, Inc., 181 F. Supp. 2d 1366, 1370 (S.D. Fla. 2002)
- Hornady v. Outokumpu Stainless USA, LLC, 118 F.4th 1367 (11th Cir. 2024)
- DKG Commc'ns, LLC v. RLM Underground, LLC, No. 2:23-cv-1195-KCD, 2025 WL 1615438 (M.D. Fla. June 6, 2025)
- Partners Insight, LLC v. Gill, No. 2:22-cv-739-SPC-KCD, 2025 WL 1085166 (M.D. Fla. Mar. 27, 2025)
- Pimentel v. Strength20, LLC, No. 2:23-cv-544-JLB-KCD, 2025 WL 712412 (M.D. Fla. Mar. 5, 2025)
- Rigby v. Cap. One Fin. Corp., No. 3:24-cv-98-HES-MCR, 2025 WL 483207, at *2 (M.D. Fla. Feb. 13, 2025)
- Doss v. Holder, No. 8:22-cv-129-CEH-AAS, 2024 WL 3952754, at *2 (M.D. Fla. Aug. 27, 2024)
- Paulino v. W. Funding, Inc., No. 23-CIV-24172, 2025 WL 1330206 (S.D. Fla. May 7, 2025)
- Stallworth v. Omninet Vill., L.P., No. 6:16-cv-546-Orl-31DAB, 2016 WL 10100424, at *2 (M.D. Fla. Aug. 23, 2016)
- Orlando Health, Inc. v. HKS Architects, Inc., No. 6:24-cv-693-JA-LHP, 2025 WL 388701, at *1 (M.D. Fla. Feb. 4, 2025)
- United Fire & Cas. Co. v. Progressive Express Ins. Co., No. 6:19-cv-1049-Orl-41EJK, 2020 WL 11421204, at *2 (M.D. Fla. July 30, 2020)