

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

Jordyn Thulin v. Embry-Riddle Aeronautical University, Inc.

Thulin · No. 6:24-cv-899-PGB-LHP · Decided December 3, 2025

SUMMARY

The United States District Court for the Middle District of Florida grants in part and denies in part Plaintiff Jordyn Thulin’s motion to compel entry onto Defendant’s property under Federal Rule of Civil Procedure 34. The Court permits a limited inspection, measurement, survey, and photographing of an exemplar Cessna 172 aircraft and the exterior of classroom buildings on Defendant’s Daytona Beach campus, subject to specified deadlines and conditions.

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	December 3, 2025
DOCKET	6:24-cv-899-PGB-LHP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rules of Civil Procedure 34 and 37 to compel Defendant to permit entry onto its Daytona Beach campus and inspection of an exemplar Cessna 172 aircraft and specified campus areas.
STANDARD OF REVIEW	The court evaluated the Rule 34 inspection request by considering relevance and balancing the value of the information sought against the burden of the proposed intrusion.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- civil procedure
- civil rights
- negligence
- breach of contract

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's request for entry onto Defendant's property was untimely because it was served and brought shortly before the discovery deadline.
2. Whether inspection and photography of an exemplar Cessna 172 aircraft and the exterior of specified campus buildings were relevant and within the scope of Rule 34.
3. Whether the requested inspection was unduly burdensome or harassing such that the relevance of the requested information was outweighed by the burden of the intrusion.

HOLDINGS

1. A motion to compel a Rule 34 inspection is not untimely merely because it is filed two weeks before the discovery deadline, absent authority or a demonstrated basis showing untimeliness.
2. Inspection and photography of an aircraft used on Defendant's campus and the exterior of campus buildings where the alleged conduct and related stalking occurred were relevant and within the permissible scope of discovery.
3. A conclusory assertion that a Rule 34 inspection is harassing or unduly burdensome, unsupported by specific examples or evidence, does not justify denying an otherwise relevant inspection.

KEY QUOTATIONS

“A court evaluating a request to permit entry under Rule 34 will consider the relevance of the inspection and balance the value of the information sought with the burden of the proposed intrusion.”

“The proponent of a motion to compel discovery bears the initial burden of proving that the information sought is relevant.”

“Given the liberal standards for discovery, the Court finds Plaintiff’s request for limited inspection well taken.”

FACTUAL BACKGROUND

Plaintiff alleged that her flight instructor touched her upper thigh while reaching across her in a Cessna 172 during flight instruction and that the instructor repeatedly stalked her on campus. She sought to inspect and photograph an exemplar aircraft used on Defendant's campus and the exterior of classroom buildings where she had taken classes, asserting that the inspection would bear on her allegations and anticipated defenses. Defendant argued that the request was untimely, cumulative because comparable aircraft were available elsewhere, overbroad, harassing, and unduly burdensome.

PROCEDURAL HISTORY

Plaintiff brought claims under Title IX, for breach of contract, and for negligence arising from alleged sexual battery and sexual harassment by a flight instructor while Plaintiff was a student at Defendant's campus. After Plaintiff served a request for entry onto land on October 31, 2025, she moved to compel inspection on November

14, 2025. The court granted the motion in part and denied it in part, authorizing a limited inspection subject to specified deadlines and restrictions.

DISPOSITION

other

CASES CITED

- Alum Fund, LLC v. Greater Nevada Credit Union, No. 2:23-cv-1159-JLB-KCD, 2024 WL 1907276, at *2 (M.D. Fla. May 1, 2024)
- Bemdesderfer v. United Parcel Serv., Inc., No. 6:22-cv-270-PGB-EJK, 2023 WL 2810703, at *2 (M.D. Fla. Apr. 6, 2023)
- Moxley v. Winn Dixie Montgomery, LLC, No. 2:12CV457-MEF, 2014 WL 169877, at *1 (M.D. Ala. Jan. 15, 2014)
- Johnson v. Med. Bus. Consultants Inc., No. 8:19-cv-01079-T-35SPF, 2020 WL 13358548, at *1 (M.D. Fla. Feb. 20, 2020)
- Aspen Specialty Ins. Co. v. Yin Invs. USA, LP, No. 6:20-CV-00153, 2021 WL 4170794, at *1 (E.D. Tex. July 16, 2021)
- Flick v. Wellpoint, Inc., No. 2:08-CV-211JVBPRC, 2009 WL 1564386, at *2 (N.D. Ind. June 2, 2009)
- Banks v. Interplast Grp., Ltd., No. CIV.A.V-02-92, 2003 WL 21185685, at *1 (S.D. Tex. Apr. 16, 2003)
- Llanten v. Am. Sec. Ins. Co., No. 8:16-cv-2835-T-35JSS, 2017 WL 951629, at *4 (M.D. Fla. Mar. 10, 2017)