

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

RANDY A. SCOTT,

Plaintiff,

v.

Case No: 2:13-cv-157-FtM-38DNF

LAWRENCE NORMAN YELLON, BOB
MUSSER, H. ERIC VENNES, LANCE
RANDALL, RONALD R. EZELL,
STEVEN D. GLENN, JILLINA A.
KWIATKOWSKI, RUTH A. REYNOLDS,
GARY CROWE, NATIONAL
ASSOCIATION OF PROFESSIONAL
PROCESS SERVERS, PAUL
TAMAROFF, FLORIDA ASSOCIATION
OF PROFESSIONAL PROCESS
SERVERS, JOHN DOE 1, JOHN DOE 2
and JOHN DOE 3,

Defendants.

ORDER

This cause is before the Court on the Plaintiff, Randy A. Scott's Motion for Subpoena to Identify Does (Doc. 44) filed on May 28, 2013. The Defendants, Lance Randall, Bob Musser, and Florida Association of Professional Process Servers filed a Response (Doc. 49) on June 5, 2013. Without leave of Court, the Plaintiff filed a Rebuttal (Doc. 50) on June 13, 2013.¹ The Plaintiff is requesting that the Court allow him to serve a subpoena on Lance Randall, Secretary National Association of Professional Process Servers. From a review of the docket, it does not appear that the case management meeting has occurred, and the parties have not filed a case management report. Pursuant to Local Rule 3.05(c)(2), "[u]nless otherwise ordered by the court,

¹ The Rebuttal (Doc. 49) is construed as a Reply, which is not permitted to be filed without leave of Court. *See*, Local Rule 3.01(c).

a party may not seek discovery from any source before the [case management] meeting.” M.D. Fla. L.R. 3.05(c)(2). Therefore, the Plaintiff is not permitted to serve a subpoena prior to the case management meeting, and an exception to this Local Rule is not warranted in this case. However, after the case management meeting, the Plaintiff is free to pursue discovery and may serve subpoenas without requesting leave of court.

IT IS HEREBY ORDERED:

The Motion for Subpoena to Identify Does (Doc. 44) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on June 17, 2013.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties