

**U.S. District Court
Southern District of Florida (Ft Lauderdale)
CIVIL DOCKET FOR CASE #: 0:22-cv-61363-AHS**

Sulda v. Vogel et al
Assigned to: Judge Raag Singhal
Referred to: Magistrate Judge Alicia O. Valle
Cause: Motion to enforce deposition subpoena

Date Filed: 07/22/2022
Date Terminated: 01/09/2023
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Wendy Lee Sulda

represented by **Lydia R Pittaway**
Pittaway Law, PLLC
133 S 2nd Street STE 101
Fort Pierce, FL 34950
772-494-1821
Fax: 407-674-2524
Email: lydia@pittawaylaw.us
ATTORNEY TO BE NOTICED

V.

Defendant

Winston Dan Vogel

Defendant

Javier Sajnovsky
also known as
"Chaim" Sajnovsky

Defendant

Albert Abramov

Defendant

ShippingQuest.com, LLC
a Delaware Limited Liability Company

Defendant

Price Break Shipping USA, LLC
a Delaware Limited Liability Company

Date Filed	#	Docket Text
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05/13/2024		Show Cause Hearing set for 8/14/2024 at 2:00 PM before U.S. Magistrate Judge Alicia O. Valle, 299 East Broward Boulevard, Fort Lauderdale, Florida, Courtroom 310. (lbe) (Entered: 05/13/2024)
05/13/2024	59	<p>PAPERLESS ORDER ON THIRD-PARTY'S MOTION TO VACATE AND PETITIONER'S MOTION FOR HEARING (the "Motions"). This matter has been referred to the undersigned for disposition of all non-dispositive motions and report and recommendation on dispositive motions. <i>See</i> ECF No. 7 at 1. Relevant to the Motions, in January 2023, the District Judge found Third-Party Orit Tal ("Ms. Tal") in contempt for failure to comply with Petitioner's subpoena. <i>See generally</i> ECF No. 13 (the "Contempt Order"). Ms. Tal was ordered to appear for her deposition or incur a \$200 daily fine until she complied. <i>Id.</i> at 2. Thereafter, Ms. Tal filed a 36 Motion to Vacate Contempt Orders (the "Motion to Vacate") and Petitioner filed a 41 Notice of Expiration of [Time] to Comply with this Court's Order Compelling Attendance at Deposition [and] Motion for Hearing to Show Cause (the "Motion for Hearing"). The Motions were set for hearing on May 15, 2024, at 10 AM. <i>See</i> ECF No. 52, 56.</p> <p>The Court, however, recently granted Ms. Tal's 57 Motion for Referral to Volunteer Attorney Program. <i>See</i> ECF No. 58. Thus, in the interest of justice and efficient case management, the hearing is CONTINUED to allow: (i) Ms. Tal to potentially obtain counsel; and (ii) sufficient time for potential counsel's preparation. Further, to accommodate the parties' availability and the Court's existing schedule, the hearing is RE-SCHEDULED to Wednesday, August 14, 2024, at 2 PM before U.S. Magistrate Judge Alicia O. Valle, 299 East Broward Boulevard, Fort Lauderdale, Florida, Courtroom 310. <i>See</i> ECF No. 55 at 2 (noting Petitioner's counsel's availability). No further continuances will be granted absent compelling circumstances.</p> <p>Accordingly, Ms. Tal's 36 Motion to Vacate is DENIED WITHOUT PREJUDICE. If necessary, by Monday, July 15, 2024, Ms. Tal may file a renewed motion, including factual and legal support for her request to vacate the Contempt Order, to be heard at the August hearing. Lastly, Petitioner's 41 Motion for Hearing is GRANTED and the hearing is scheduled on August 14, 2024. Signed by Magistrate Judge Alicia O. Valle on 5/13/2024. (lbe) (Entered: 05/13/2024)</p>
05/08/2024	58	<p>PAPERLESS ORDER GRANTING 57 Third-Party Orit Tal's Motion for Referral to Volunteer Attorney Program (the "Motion"). In the interest of efficient case management, a response to the Motion is unnecessary. Because a civil litigant has no constitutional right to counsel, the appointment of counsel is discretionary and warranted only under exceptional circumstances, "such as where the facts and legal issues are so novel or complex as to require the assistance of a trained practitioner." <i>Dean v. Barber</i>, 951 F.2d 1210, 1216 (11th Cir. 1992); <i>see Bass v. Perrin</i>, 170 F.3d 1312, 1320 (11th Cir. 1999). Where, as here, there are no such exceptional circumstances, the Court may nevertheless refer the civil matter to the Volunteer Attorney Program ("VAP"), which allows volunteer attorneys to accept representation on a <i>pro bono</i> basis if they desire. <i>See, e.g., Pena Bejerano v. GEO Care, LLC</i>, 21-CV-22361, 2021 WL 3539996, at *1 (S.D. Fla. July 1, 2021); <i>Miller v. Severson</i>, 20-CV-14370, 2021 WL 11703006, at *1 (S.D. Fla. Jan. 29, 2021); <i>Neal v. Wilson</i>, 18-CV-20374, 2019 WL 13412398, at *1 (S.D. Fla. Feb. 25, 2019). Accordingly, the Motion is GRANTED, and this matter shall be REFERRED to the VAP, where a volunteer attorney may accept the representation on a <i>pro bono</i> basis if</p>

		desired. The Clerk of Court is directed to obtain a description of the case and contact information for Ms. Tal to post on the Court's website of available <i>pro bono</i> cases seeking volunteer lawyers. If the representation is accepted, the volunteer attorney shall enter an appearance in the case and thereafter will be eligible for reimbursement of reasonable litigation expenses pursuant to the Court's Reimbursement Guidelines for Volunteer Counsel. Ms. Tal should be aware, however, that there is no guarantee that an attorney will be willing to assume her representation in this matter. Signed by Magistrate Judge Alicia O. Valle on 5/8/2024. (lbe) (Entered: 05/08/2024)
05/03/2024	57	MOTION for Referral to Volunteer Attorney Program by Orit Tal. (ls) (Entered: 05/03/2024)
04/18/2024	56	PAPERLESS ORDER GRANTING IN PART Third-Party Orit Tal's 54 Request to Continue Hearing Scheduled for April 23, 2024 (the "Motion"), based on Petitioner's Notice of Non-Opposition. <i>See</i> (ECF No. 55). Accordingly, the hearing previously scheduled for April 23, 2024 is CANCELLED and is RE-SCHEDULED to <u>Wednesday, May 15, 2024, at 10 AM</u> . Although the Court finds good cause to continue the hearing to allow for religious observation, Ms. Tal is expected to coordinate any future travel to ensure her appearance at the rescheduled hearing. A courtroom designation will follow by separate order. Signed by Magistrate Judge Alicia O. Valle on 4/18/2024. (lbe) (Entered: 04/18/2024)
04/16/2024	55	Plaintiff's NOTICE OF NON-OPPOSITION TO RESPONDENT'S MOTION TO CONTINUE (D.E. 54) by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 04/16/2024)
04/15/2024	54	MOTION to Continue Hearing Schedule for April 23, 2024 by Orit Tal. Responses due by 4/29/2024. (pcs) (Entered: 04/15/2024)
04/08/2024	53	CERTIFICATE OF SERVICE by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 04/08/2024)
04/05/2024		Set/Reset Hearings per Paperless Order at DE 52 as to 36 MOTION to Vacate 33 Order on Motion to Dismiss, 35 Order on Motion for Extension of Time, 42 MOTION for Order to Show Cause. Motion Hearing set for 4/23/2024 02:00 PM in Fort Lauderdale Division before Magistrate Judge Alicia O. Valle. (bb) (Entered: 04/09/2024)
04/05/2024	52	PAPERLESS ORDER SETTING HEARING ON MOTIONS. This cause comes before the Court on 36 Non-Party Orit Galapo Tal's Motion to Vacate Contempt Orders and 41 Petitioner's Notification of Expiration of February 2, 2024 to Comply with this Court's Order Compelling Attendance at Deposition and Motion for Hearing to Show Cause (the "Motions"), which Motions have been referred to the undersigned for a Report and Recommendation. <i>See</i> ECF No. 7 . Accordingly, a hearing on the Motions is scheduled for Tuesday, April 23, 2024, at 2 p.m. before U.S. Magistrate Judge Alicia O. Valle, 299 East Broward Boulevard, Fort Lauderdale, Florida, Courtroom 310. The Court has reserved two hours for the hearing. Failure to appear at the hearing may result in sanctions, including an increased per-day fine, and possible arrest and incarceration. Signed by Magistrate Judge Alicia O. Valle on 4/5/2024. (lbe) (Entered: 04/05/2024)
03/11/2024	51	Clerk's Notice of Filing Deficiency Re: 50 Response (Other) filed by Orit Tal. Document(s) missing required signature(s) (Fed.R.Civ.P. 11(a)). (ls) (Entered: 03/11/2024)

03/11/2024	50	RESPONSE to 46 Reply to Response to Motion by Orit Tal. (ls) (Entered: 03/11/2024)
03/06/2024	49	Clerk's Notice to Filer re 48 Certificate of Service. Document Not Linked ; ERROR - The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (ls) (Entered: 03/06/2024)
03/05/2024	48	CERTIFICATE OF SERVICE re 46 REPLY to Response to Motion by Wendy Lee Sulda (Pittaway, Lydia) Modified to add document link on 3/6/2024 (ls). (Entered: 03/05/2024)
03/05/2024	47	NOTICE of Compliance (<i>Amended</i>) by Wendy Lee Sulda re 44 Certificate of Service filed by Wendy Lee Sulda (Attachments: # 1 Exhibit One (Package), # 2 Exhibit Two (Tracking)) (Pittaway, Lydia) (Entered: 03/05/2024)
03/05/2024	46	REPLY to Response to Motion re 42 MOTION for Order to Show Cause filed by Wendy Lee Sulda. (Pittaway, Lydia) (Entered: 03/05/2024)
02/27/2024	45	RESPONSE to Motion to Comply with Courts Order Attendance at Deposition filed by Orit Tal. Replies due by 3/5/2024. (ls) (Entered: 02/27/2024)
02/14/2024	44	CERTIFICATE OF SERVICE by Wendy Lee Sulda re 41 Notice (Other), (Pittaway, Lydia) (Entered: 02/14/2024)
02/14/2024	43	Clerk's Notice to Filer re 41 Notice (Other). Two or More Document Events Filed as One ; ERROR - Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk. See DE # 42 MOTION for Hearing Show Cause. It is not necessary to refile this document but in the future, the Filer must select all applicable events. (ls) (Entered: 02/14/2024)
02/13/2024	42	MOTION for Hearing to Show Cause and Memorandum of Law by Wendy Lee Sulda. (ls)(See Image at DE # 41) (Entered: 02/14/2024)
02/13/2024	41	NOTICE of Filing Notification of Expiration of 2/2/2024 to Comply with this Court's Order Compelling Attendance at Deposition by Wendy Lee Sulda (Attachments: # 1 Exhibit One (Transcript), # 2 Exhibit Two (USPS Tracking)) (Pittaway, Lydia) (Entered: 02/13/2024)
02/13/2024	40	NOTICE to Court to Relieve Counsel by Orit Tal (ls) (Entered: 02/13/2024)
02/06/2024		Attorney Jeffrey Bruce Shalek representing Tal, Orit (Objector) terminated per DE 38 . (jua) (Entered: 02/06/2024)
02/06/2024	39	NOTICE of Compliance with Paperless Order by Orit Tal re 38 Order on Motion to Withdraw as Attorney,,,,, (Shalek, Jeffrey) (Entered: 02/06/2024)
02/06/2024		Attorney Jeffrey Bruce Shalek representing Tal, Orit (Objector) Activated. (Shalek, Jeffrey) (Entered: 02/06/2024)
02/05/2024	38	PAPERLESS ORDER GRANTING 37 Motion to Withdraw as Counsel for Non-Party Orit Galapo (the "Motion"). In the Motion, Attorney Jeffrey B. Shalek ("Counsel") represents that: (i) irreconcilable differences have arisen between Counsel and non-party Ms. Galapo; (ii) neither Plaintiff nor Ms. Galapo will be prejudiced by Counsel's withdrawal because Counsel arranged for the deposition of Ms. Galapo, which occurred on January 31, 2024; and (iii) Counsel conferred with

		<p>Plaintiff's attorney, who advised that Plaintiff would not be responding to the Motion and would defer to the Court's ruling. ECF No. 37 at 1, 2. Based on these representations, Mr. Shalek is withdrawn as counsel for Ms. Galapo for all purposes in this case.</p> <p>Accordingly, by February 20, 2024, Ms. Galapo must: (i) retain new counsel (who must file a Notice of Appearance); or (ii) file a Notice that she intends to proceed without counsel.</p> <p>Lastly, within two days of this Order, Mr. Shalek must serve a copy of this Order on Ms. Galapo and file a Notice of Compliance regarding the same. Thereafter, the Clerk shall remove Mr. Shalek from the docket and cease delivery of notifications of electronic filings to Mr. Shalek. Signed by Magistrate Judge Alicia O. Valle on 2/5/2024. (lbe) (Entered: 02/05/2024)</p>
02/02/2024	37	Unopposed MOTION to Withdraw as Attorney by Orit Tal. Responses due by 2/16/2024. (Shalek, Jeffrey) (Entered: 02/02/2024)
02/01/2024	36	MOTION to Vacate Contempt Orders by Orit Galapo Tal. Responses due by 2/15/2024. (ls) (Entered: 02/01/2024)
01/18/2024	35	<p>PAPERLESS ORDER GRANTING IN PART Plaintiff's 34 Agreed Motion to Extend the Deadline for Ms. Galapo to Appear for Deposition (the "Motion"). Accordingly, Third-Party Orit Galapo must appear for an in-person deposition by February 2, 2024.</p> <p>The parties' request within the Motion that the Court toll the daily fine assessed against Ms. Galapo is, however, left for the District Judge's consideration. <i>See</i> ECF No. 34 at 2; ECF No. 13 (Order Adopting Magistrate Judge's Report and Recommendation). Signed by Magistrate Judge Alicia O. Valle on 1/18/2024. (lbe) (Entered: 01/18/2024)</p>
01/12/2024	34	Agreed MOTION for Extension of Time/Deadline for Ms. Galapo to Appear for Deposition and Toll Running of Sanctions by Wendy Lee Sulda. Responses due by 1/26/2024. (Attachments: # 1 Text of Proposed Order)(Pittaway, Lydia) (Entered: 01/12/2024)
01/08/2024	33	<p>PAPERLESS ORDER DENYING 21 Third-Party Orit Tal's Motion to Dismiss for Lack of Proper Service (the "Motion"), which the Court construes as a Motion to Quash. Under Federal Rule of Civil Procedure 45(d)(3)(A), a Court must quash or modify a subpoena if the subpoena: "(i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged or other protected matter... ; or (iv) subjects a person to undue burden." In the Motion, Third-Party Orit Tal requests the Court quash "the request for an in-person deposition and allow a Zoom deposition to proceed," due to certain personal circumstances (i.e., caring for her elderly father and repeated domestic and foreign travel) and purported improper service of process. ECF No. 21 at 3. The record reflects, however, that Ms. Tal was properly served with the underlying subpoena in May 2022 (or, alternatively, has waived any challenge to the propriety of service), and her noncompliance is the basis for these proceedings. <i>See</i> ECF Nos. 1-3 at 2; 27 at 2; 32 at 2 ("Ms. Galapo does not contest that she was served with the initial Illinois subpoena at 21218 Northeast 31st Place, Aventura, Florida ('Aventura Residence') on May 26, 2022."). Additionally, Ms. Tal is a resident</p>

		<p>of Miami-Dade County, <i>see</i> ECF No. 32 at 4, so the request for an in-person deposition in Broward County falls within the geographical limits set forth in Rule 45(c). Moreover, Ms. Tal has not alleged that the subpoena seeks disclosure of privileged or other protected matter. Lastly, the subpoena provides reasonable notice and would not subject Ms. Tal to undue burden. Thus, in the interest of efficient case management and to promote the administration of justice, the Motion is DENIED.</p> <p>Similarly, the Court DENIES Ms. Tal's request, first made in the Reply Memorandum, to vacate the Court's previous Orders finding her in contempt of Court. <i>See</i> ECF No. 32 at 1 (Reply Memorandum); <i>see also</i> ECF Nos. 11 , 13 (previous contempt Orders); S.D. Fla. L.R. 7.1(c)(1) ("The movant may... file and serve a reply memorandum in support of the motion, which reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition..."); <i>Baltzer v. Midland Credit Mgmt., Inc.</i>, No. 14-20140-CIV, 2014 WL 3845449, at *1 (S.D. Fla. Aug. 5, 2014) (discussing Local Rule 7.1(c) and noting "[a] reply memorandum may not raise new arguments or evidence").</p> <p>Accordingly, Third-Party Orit Tal must appear for an in-person deposition within 14 days from the date of this Order, unless extended by agreement of the parties. Failure to do so may result in additional more severe sanctions, including holding Ms. Tal in custody until she purges herself of contempt by complying with this Court's Orders. Signed by Magistrate Judge Alicia O. Valle on 1/8/2024. (lbe) (Entered: 01/08/2024)</p>
11/28/2023	32	REPLY to Response to Motion re 21 MOTION to Dismiss 20 Order on Motion for Order to Show Cause,,,,,, filed by Orit Tal. (Attachments: # 1 Exhibit a, # 2 Exhibit b, # 3 Exhibit c)(Shalek, Jeffrey) (Entered: 11/28/2023)
11/20/2023	31	PAPERLESS ORDER GRANTING 30 Non-Party Orit Galapo's Unopposed Motion for Extension of Time to File Reply Memorandum ("the Motion"). In the Motion, Ms. Galapo represents that her counsel was just retained on November 16, 2023, and, as a result, "will require additional time to speak with the client, garner all the facts and prepare the appropriate response," which "will be made more difficult by the upcoming Thanksgiving holiday." <i>See</i> ECF Nos. 30 at 1, 29 . Accordingly, Ms. Galapo's reply in support of her 21 Motion to Dismiss for Lack of Proper Service must be filed by November 28, 2023 . Signed by Magistrate Judge Alicia O. Valle on 11/20/2023. (lbe) (Entered: 11/20/2023)
11/20/2023	30	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 21 MOTION to Dismiss 20 Order on Motion for Order to Show Cause,,,,,, by Orit Tal. (Attachments: # 1 Text of Proposed Order)(Shalek, Jeffrey) (Entered: 11/20/2023)
11/16/2023	29	NOTICE of Attorney Appearance by Jeffrey Bruce Shalek on behalf of Orit Tal. Attorney Jeffrey Bruce Shalek added to party Orit Tal(pty:obj). (Shalek, Jeffrey) (Entered: 11/16/2023)
11/15/2023	28	NOTICE of Compliance by Wendy Lee Sulda re 27 Response in Opposition to Motion filed by Wendy Lee Sulda, 26 Order,,,,,, (Pittaway, Lydia) (Entered: 11/15/2023)
11/14/2023	27	RESPONSE in Opposition re 21 MOTION to Dismiss 20 Order on Motion for Order to Show Cause,,,,,, filed by Wendy Lee Sulda. Replies due by 11/21/2023. (Pittaway, Lydia) (Entered: 11/14/2023)

11/07/2023	26	<p>PAPERLESS ORDER REGARDING THE SHOW CAUSE HEARING. On November 7, 2023, the Court held a hearing for Ms. Galapo to show cause why she has failed to appear for her non-party deposition as previously ordered by the Court. <i>See</i> ECF Nos. 13 , 25 . Ms. Galapo failed to appear at the hearing. The Court, however, heard from Petitioner's counsel regarding Petitioner's efforts to serve and contact Ms. Galapo. <i>Id.</i> Relatedly, the record reflects that, on October 31, 2023, days prior to the hearing, Ms. Galapo filed 21 a Motion to Dismiss for Lack of Proper Service.</p> <p>The undersigned finds that, in the interest of efficient case management and to promote the administration of justice, the Court should determine the Motion to Dismiss prior to making any further findings regarding contempt. Accordingly, the undersigned defers further recommendations regarding additional findings of contempt against Ms. Galapo until the Court rules on 21 Ms. Galapo's Motion to Dismiss for Lack of Proper Service. Upon a ruling on 21 Ms. Galapo's Motion to Dismiss for Lack of Proper Service, Petitioner may renew her request for additional findings of civil contempt, including seeking additional sanctions, increased per diem fines, and possible arrest/incarceration of Ms. Galapo until she appears for her deposition. To be clear, this Order does not modify 13 the District Judge's prior Order, which found Ms. Galapo in contempt for failure to appear for deposition and imposed a \$200/day fine until she is deposed. That Order remains in effect and fines continue to accrue. To date, Ms. Galapo has amassed \$60,400 in fines (\$200 per day x 302 days).</p> <p>Petitioner must serve Ms. Galapo with this Order (and all filings referenced in this Order) by: (i) certified and regular U.S. mail to 21218 Northeast 31st Place, Aventura, Florida 33180; (ii) certified and regular U.S. mail to 801 Diplomat Parkway, Hallandale Beach, Florida 33009; and (iii) email to oritgalapo@yahoo.com. Petitioner must file a Notice of Compliance regarding the same.</p> <p>Signed by Magistrate Judge Alicia O. Valle on 11/7/2023. (sd01) (Entered: 11/07/2023)</p>
11/07/2023	25	<p>PAPERLESS Minute Entry for proceedings held before Magistrate Judge Alicia O. Valle: Show Cause Hearing held on 11/7/2023. Order to follow. Total time in court: 40 minutes. Attorney Appearance(s): Lydia R Pittaway, (Digital 14:08:34) (tpl) (Entered: 11/07/2023)</p>
11/06/2023	24	<p>CERTIFICATE OF SERVICE by Wendy Lee Sulda re 23 Order, (Pittaway, Lydia) (Entered: 11/06/2023)</p>
11/06/2023	23	<p>PAPERLESS COURTROOM DESIGNATION FOR SHOW CAUSE HEARING. The show cause hearing previously scheduled for Tuesday, November 7, 2023 at 2:00 p.m. will be held in Courtroom 310 at the Federal Courthouse in Fort Lauderdale, Florida. Plaintiff must contact pro se third party Orit Galapo (telephonically or by email) to advise her of the courtroom designation/this Order. Signed by Magistrate Judge Alicia O. Valle on 11/6/2023. (sd01) (Entered: 11/06/2023)</p>
11/01/2023	22	<p>NOTICE of Compliance by Wendy Lee Sulda (Attachments: # 1 Exhibit One: Tracking, # 2 Exhibit Two: Email) (Pittaway, Lydia) (Entered: 11/01/2023)</p>

10/31/2023	21	MOTION to Dismiss Request for In-Person Deposition for Lack of Proper Service by Orit Tal. Responses due by 11/14/2023 (ls) (Entered: 10/31/2023)
09/14/2023	20	<p>PAPERLESS ORDER TO SHOW CAUSE. This cause comes before the Court upon 16 Petitioner's Notification of Expiration of Fifteen (15) Days to Comply with this Court's Order Compelling Attendance at Deposition and Motion for Hearing to Show Cause (the "Motion"). Having reviewed the Motion, and being otherwise duly advised on the matter, it is hereby ORDERED AND ADJUDGED that the Motion is GRANTED.</p> <p>Non-party Orit Galapo must physically appear before the Court on November 7, 2023 at 2:00 p.m. to show cause why additional sanctions should not be imposed upon her (the "Show Cause Hearing"). A courtroom designation will be provided by separate Order. Ms. Galapo's failure to appear at the Show Cause Hearing may result in additional sanctions upon her, including an increased per-day fine, and possible arrest and incarceration until she complies with the Court's Orders. The Show Cause Hearing may be canceled upon Petitioner's Notice to the Court that Ms. Galapo has appeared for an in-person deposition, which must take place by November 1, 2023.</p> <p>Petitioner must serve Ms. Galapo with the instant Motion, all filings in these proceedings, and this Order to Show cause by: (i) certified and regular U.S. mail to Ms. Galapo's residence at 21218 Northeast 31st Place, Aventura, Florida 33180; and (ii) email to oritgalapo@yahoo.com. Upon service, Petitioner must file a Notice of Compliance regarding the same. Signed by Magistrate Judge Alicia O. Valle on 9/14/2023. (jve) (Entered: 09/14/2023)</p>
08/23/2023	19	PAPERLESS Order directing the Clerk of Court to re-designate this matter as a contested civil case for statistical purposes. Signed by Judge Raag Singhal on 8/23/2023. (pb00) (Entered: 08/23/2023)
08/17/2023	18	Clerk's Notice to Filer re 16 NOTICE OF EXPIRATION and Motion for Hearing to Show Cause. Wrong Event Selected - Document is a Motion ; ERROR - The Filer selected the wrong event. A motion event must always be selected when filing a motion. The correction was made by the Clerk. It is not necessary to refile this document. (sk) (Entered: 08/17/2023)
03/03/2023	17	CERTIFICATE OF SERVICE by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 03/03/2023)
03/03/2023	16	NOTICE by Wendy Lee Sulda <i>OF EXPIRATION OF FIFTEEN (15) DAYS TO COMPLY WITH THIS COURTS ORDER COMPELLING ATTENDANCE AT DEPOSITION, and MOTION FOR HEARING TO SHOW CAUSE AND MEMORANDUM OF LAW</i> (Attachments: # 1 Text of Proposed Order) (Pittaway, Lydia) Modified text/status per Chambers on 8/17/2023 (sk). (Entered: 03/03/2023)
01/10/2023	15	Clerk's Notice to Filer re 14 Certificate of Service. Document Not Linked ; ERROR - The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (ls) (Entered: 01/10/2023)

01/10/2023	14	CERTIFICATE OF SERVICE re 13 ORDER ADOPTING REPORT AND RECOMMENDATIONS by Wendy Lee Sulda (Pittaway, Lydia) Modified to add document link on 1/10/2023 (ls). (Entered: 01/10/2023)
01/09/2023	13	ORDER ADOPTING REPORT AND RECOMMENDATIONS re 11 Report and Recommendations, ; Adopting 11 Report and Recommendations on 11 Report and Recommendations. ORDERED AND ADJUDGED that the Magistrate Judge's Paperless Report and Recommendation (DE 11) is AFFIRMED and ADOPTED. Petitioners Motion for Contempt for Failure to Comply with Subpoena and Permission for Electronic Service regarding Orit Galapo (DE 1) is GRANTED IN PART and DENIED IN PART.Certificate of Appealability: No Ruling Closing Case. Motions terminated: 11 REPORT AND RECOMMENDATIONS re 1 Petition/Motion (Complaint) RE: Subpoena from Another District, filed by Wendy Lee Sulda. Signed by Judge Raag Singhal on 1/6/2023. <i>See attached document for full details.</i> (nan) (Entered: 01/09/2023)
12/07/2022	12	CERTIFICATE OF SERVICE by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 12/07/2022)
12/02/2022	11	<p>PAPERLESS REPORT AND RECOMMENDATION that 1 Petitioner's Motion for Contempt for Failure to Comply with Subpoena and Permission for Electronic Service regarding Orit Galapo (the "Motion") be GRANTED IN PART AND DENIED IN PART BY DEFAULT. Petitioner filed the Motion on July 22, 2022. ECF No. 1 . On November 14, 2022, U.S. District Judge Raag Singhal referred the matter to the undersigned for a Report and Recommendation. <i>See</i> ECF No. 7 . On November 16, 2022, the undersigned issued an Order to Show Cause why the Motion should not be granted by default. <i>See</i> ECF No. 8. To date, however, Ms. Orit Galapo has not responded to the Motion or to this Court's Order to Show Cause. <i>See generally</i> ECF Nos. 9 , 10 (confirming service of these proceedings).</p> <p>Accordingly, the undersigned recommends that the Motion be GRANTED IN PART AND DENIED IN PART BY DEFAULT and that: (i) Ms. Orit Galapo be found in contempt for failure to obey Petitioner's subpoena; (ii) Ms. Orit Galapo be ordered to appear for an in-person deposition within fifteen (15) days of the District Judge's ruling on this Report and Recommendation; (iii) if Ms. Orit Galapo fails to attend the deposition, she be ordered to pay a \$200 per-day fine until she complies; (iv) Ms. Orit Galapo be forewarned that further non-compliance may result in additional sanctions; (v) Petitioner's request for attorney's fees and costs be denied; and (vi) these proceedings be administratively CLOSED. <i>See Evangelista v. Coats</i>, No. 20-MC-60780-AHS (S.D. Fla. Jul. 12, 2020) (ECF No. 11) (granting motion to comply with Rule 45 subpoena by default); <i>Sulda v. Shippingquest.com, LLC</i>, No. 18-MC-63100-BB (S.D. Fla., Jan. 8, 2019) (ECF No. 7) (granting motion to enforce subpoena for production of documents, including fines of \$200 per day for non-compliance but denying request for attorney's fees and costs); <i>see also In Re: Subpoena of South Broward Hospital District</i>, No. 21-MC-62550-AHS (S.D. Fla. Aug. 25, 2022) (ECF No. 51) (administratively closing proceedings after hearing/ruling on motions to quash Rule 45 subpoenas).</p> <p>Within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections to any of the above findings and recommendations as provided by the Local Rules for this District. 28 U.S.C. § 636(b)(1); S.D. Fla. Mag. R. 4(b). Failure to timely object waives the right</p>

		to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions contained in this Report and Recommendation. 11th Cir. R. 3-1 (2022); <i>see Thomas v. Arn</i> , 474 U.S. 140 (1985). Signed by Magistrate Judge Alicia O. Valle on 12/2/2022. (jve) Modified text per chambers on 12/5/2022 (mf). (Entered: 12/02/2022)
11/21/2022	10	NOTICE of Compliance by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 11/21/2022)
11/17/2022	9	NOTICE of Compliance by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 11/17/2022)
11/16/2022	8	PAPERLESS ORDER TO SHOW CAUSE. This cause comes before the Court upon 1 Petitioner's Motion for Contempt for Failure to Comply with Subpoena and Permission for Electronic Service regarding Orit Galapo (the "Motion"). To date, there has been no response to the Motion. On November 14, 2022, these proceedings were referred to the undersigned. <i>See</i> ECF No. 7 . Relevant to the instant Motion, another Judge in this District previously granted a similar Motion involving the same Petitioner and the same underlying litigation at issue in the Motion. <i>Sulda v. Shippingquest.com, LLC</i> , No. 18-MC-61300-BB (S.D. Fla., Jan. 8, 2019) (ECF No. 7) (granting motion to enforce subpoena for production of documents, including fines of \$200 per day for non-compliance). Accordingly, by November 30, 2022 , Ms. Orit Galapo must show cause why the Motion should not be granted. Failure to timely comply with this Order may result in a recommendation to the District Judge that the Motion be granted by default. <i>Id.</i> Additionally, Petitioner must serve Orit Galapo with the instant Motion, all filings in these proceedings, and this Order to Show cause by: (i) certified and regular U.S. mail to Ms. Galapo's residence at 21218 Northeast 31st Place, Aventura, Florida 33180; and (ii) email to oritgalapo@yahoo.com. Upon service, Petitioner must file a Notice of Compliance regarding the same. Signed by Magistrate Judge Alicia O. Valle on 11/16/2022. (sd01) (Entered: 11/16/2022)
11/14/2022	7	ORDER OF REFERRAL: ORDER REFERRING CASE to Magistrate Judge Alicia O. Valle for Report and Recommendation. Signed by Judge Raag Singhal on 11/14/2022. <i>See attached document for full details.</i> (nan) (Entered: 11/15/2022)
08/03/2022	6	CERTIFICATE OF SERVICE by Wendy Lee Sulda (Attachments: # 1 Exhibit Affidavit of Service)(Pittaway, Lydia) (Entered: 08/03/2022)
07/28/2022	5	CERTIFICATE OF SERVICE by Wendy Lee Sulda (Pittaway, Lydia) (Entered: 07/28/2022)
07/26/2022	4	PAPERLESS ORDER TO FILE CERTIFICATE OF INTERESTED PERSONS Within SEVEN (7) DAYS of entry of an appearance, each party, including governmental parties, must file certificates of interested parties and corporate disclosure statements that contain a complete list of persons, associated persons, firms, partnerships, or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a party. The parties shall not include Judge Singhal or the paired magistrate judges as interested parties unless they have an interest in the litigation. Throughout the pendency of the action, the parties are under a continuing obligation to amend, correct, and update the certificates. Signed by Judge Raag Singhal on 7/26/2022. (eca) (Entered: 07/26/2022)

07/26/2022	3	<p><u>NOTICE OF COURT PRACTICE</u></p> <p>Unless otherwise specified by the Court, every motion, legal memorandum, brief, and otherwise shall: be double-spaced, in justified alignment, in 12-point font, using either Times New Roman or Arial typeface. This Notice does not supplant the requirements and provisions of Local Rule 7.1(c). The Court cautions parties against excessive use of footnotes.</p> <p>Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position. If conflicts of position exist, parties shall explain the conflicts in their separate motions.</p> <p>Parties are encouraged to seek extensions of time in a timely fashion. "A motion for extension of time is not self-executing; no motion is, unless expressly provided for by the applicable rule. Yet, by filing these motions on or near the last day, and then sitting idle pending the Court's disposition of the motion, parties essentially grant their own motion. The Court will not condone this." <i>Compere v. Nusret Miami, LLC</i>, 2020 WL 2844888, at *2 (S.D. Fla. May 7, 2020) (internal citations omitted).</p> <p>Exhibits to pleadings and motions shall be docketed in accordance with the Courts CM/ECF procedures, Rule 3L.(2):</p> <p style="text-align: center;">(2) Describing an Attachment to a Docket Entry</p> <p style="text-align: center;">A party filing an attachment to a document shall select one of the prescribed attachment categories from the drop-down menu (e.g., affidavit, transcript), provide an alphabetical or numerical designation (e.g., Exhibit A, Exhibit 1), and descriptively name each attachment (e.g., Exhibit 1 - Affidavit of Boo Radley) in a manner that enables the Court to easily locate and distinguish attachments. (Emphasis added.)</p> <p>Local Rule 16.4, Local Rules for the United States District Court for the Southern District of Florida, requires that a Notice of Settlement "shall be filed and served jointly by counsel for all parties to the settlement." A unilateral notice of settlement will not stay pre-trial deadlines or hearings.</p> <p>Failure to comply with any of these procedures may result in the imposition of appropriate sanctions.</p> <p>Signed by Judge Raag Singhal on 7/26/2022. (eca) (Entered: 07/26/2022)</p>
07/22/2022	2	Clerks Notice of Judge Assignment to Judge Raag Singhal. (jas) (Entered: 07/22/2022)
07/22/2022	<u>1</u>	Petition/Motion (Complaint) RE: Subpoena to Enforce from Another District . Filing fee \$49.00 receipt number AFLSDC-15811002, filed by Wendy Lee Sulda. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Civil Cover Sheet)(Pittaway, Lydia) (Entered: 07/22/2022)