

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

NU IMAGE, INC.,

Plaintiff,

vs.

Case No. 2:11-cv-545-FtM-29SPC

DOES 1-3, 932,

Defendant.

---

**ORDER**

This matter comes before the Court on plaintiff's Motion for Clarification (Doc. #255) filed on June 25, 2012. Plaintiff argues that the Court's May 24, 2012 Order (Doc. #246) "[p]resumably" granted the motions to quash only as to those individuals who filed motions challenging personal jurisdiction. Plaintiff argues that the Order "was constructed without such specific wording" resulting in different interpretations by plaintiff's counsel and a third-party served with a subpoena. Plaintiff seeks clarification as whether the Order quashed the subpoena as to Doe #545 only, or otherwise.

On May 23, 2012, the Court issued an Opinion and Order (Doc. #244) addressing the Motion to Quash or, in the Alternative, Motion to Dismiss and/or Sever filed by John Doe #1, but applying the same reasoning to other pending motions. The Court found that the


"allegations in the Complaint are insufficient to allege personal jurisdiction over John Doe #1 **or any defendant** under the Florida long-arm statute and the Due Process Clause." (Doc. #244, p. 5) (emphasis added). On May 24, 2012, the addressed the Motion of John Doe #545 in a separate Order. The matter was presented to the Court as a result of John Doe #545's motion, without mention of any other John Does who may have been listed in the subpoena and without the parties providing a copy of the subpoena for review. To clarify, the Court has consistently stated that the Complaint fails to allege personal jurisdiction as to any defendant. Therefore, any subpoenas issued in this case, based on the current operative pleading, are due to be quashed. Additionally, no further subpoenas based upon this defective pleading may be issued.

Accordingly, it is now

**ORDERED:**

Plaintiff's Motion for Clarification (Doc. #255) is **GRANTED** to the extent clarified herein.

**DONE AND ORDERED** at Fort Myers, Florida, this 10th day of July, 2012.

  
\_\_\_\_\_  
**JOHN E. STEELE**  
United States District Judge

Copies:  
Counsel of record