

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

**This Protective Order in no way
diminishes counsel's obligation
to comply with LCvR 79.1 and
G.O. 08-11.**

PATRICK BRIAN OWEN,

Plaintiff,

vs.

CITY OF TULSA, *et al.*,

Defendants.

Case No. 08-CV-153-GKF-FHM

OPINION AND ORDER

Plaintiff's Motion to Quash Subpoena Duces Tecum [Dkt. 70] or in the Alternative, Motion for Protective Order [Dkt. 71] is before the undersigned United States Magistrate Judge. A response brief has been received, no reply was filed.

Plaintiff's Motion to Quash Subpoena Duces Tecum [Dkt. 70] is DENIED. The undersigned finds that the financial records sought are subject to discovery under 26(b)(1) because they are relevant to Plaintiff's claim of lost income and they are not protected by a privilege.

Plaintiff's Motion for Protective Order [Dkt. 71] is GRANTED in part and DENIED in part. The Court finds that the issuance of a protective order is appropriate, given the confidential and possibly proprietary nature of the financial information sought by the subpoena. However, the scope of the protective order sought by Plaintiff is too restrictive. The Court hereby ORDERS that use of the materials and information obtained through the subpoenas duces tecum issued to Wylie J. Neal, First Bank of Owasso, and Bank of America is limited solely to use in this case.

SO ORDERED this 1st day of April, 2009.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE