

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

RAY NASSAR and GENA SMITH,

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Plaintiffs

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V.

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NO: 3:11CV00133 SWW

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EARNESTINE JACKSON, individually
and in her official capacity as a Hughes
School Board Member, ET AL.

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Defendants

ORDER

Before the Court is Defendants' motion to quash (docket entry #73) and Plaintiff's response opposition (docket entry #74). After careful consideration, and for reasons that follow, the motion to quash is denied.

Defendants moves to quash a subpoena issued Plaintiff to non-party Sherry Thomas, commanding her to produce documents. In support of their motion, Defendants object that subpoena "does not set out the text of Federal Rule of Civil Procedure 45(c) and (d) as required . . . [and] does not include a statement of the rights and duties of witnesses" Docket entry #73, at 2. Defendants also object that Plaintiff issued the subpoena after expiration of the discovery deadline.

"Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action, unless the objecting party claims some personal right or privilege with regard to the documents sought." 9A CHARLES ALAN WRIGHT & ARTHUR MILLER, FEDERAL PRACTICE AND PROCEDURES § 2459 (3d. ed. 2008); see also *Griffith v. United States*, 2007 WL 1222586, at *1 (S.D.N.Y. April 25, 2007). Here, Defendants fail to allege a personal right or privilege with respect to the documents sought, and the Court finds that Defendants have no

standing to bring the motion.

IT IS THEREFORE ORDERED that Defendants' motion to quash (docket entry #73) is DENIED.

IT IS SO ORDERED THIS 5th DAY OF NOVEMBER, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE