

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

TELECOM DECISION MAKERS, INC.

PLAINTIFF

v.

CASE NO. 4:09mc0004 BSM

**ACCESS INTEGRATED NETWORKS, INC.
and BIRCH COMMUNICATIONS, INC.**

DEFENDANTS

**In re: 3:08cv609-S
Western District of Kentucky**

ORDER

Navigator Telecommunications, LLC (“Navigator”) moves to quash a subpoena to produce documents issued by Telecom Decision Makers, Inc. (“Telecom”). [Doc. No. 15]. Telecom has responded. [Doc. No. 16]. The motion is denied.

Navigator claims, among other things, that the production request creates an undue burden and that the requested documents can be obtained from Birch Communications, Inc. (“Birch”). Telecom asserts that the requested documents are necessary for it to establish whether Birch’s asset purchase from Navigator effectively transferred substantially all of Navigator’s profitable telecommunications enterprise to Birch. For good cause shown, it is determined that the documents requested are necessary for Telecom to develop its case and that there is no less burdensome way for Telecom to obtain the documents.

The motion to quash [Doc. No. 15] is therefore denied. Telecom is, however, directed to reimburse Navigator for the reasonable costs incurred by Navigator in producing the requested documents.

IT IS SO ORDERED this 16th day of July, 2010.


UNITED STATES DISTRICT JUDGE