

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

MELODY L. LEE, as Personal
Representative of the ESTATE OF
JOHN ANDREW MORTON, deceased

PLAINTIFF

V.

CASE NO. 08-2115

BOBBY A. OVERBEY and
BRENT HIGGINGS TRUCKING, INC.

DEFENDANT

ORDER

Before the court is the Motion to Quash Plaintiff's Subpoena Duces Tecum to Bryan Morton and Pamela Morton (Doc. 182) filed on their behalf by James Perry. The matter has been referred to the undersigned for disposition by Order entered December 14, 2009. (Doc. 183).

The movants are relatives of the deceased and may have information that form the basis for damages in the present case. The Defendant claims to have served notice on the two deponents by email and fax on November 9th and 11th respectively. The movants claim that they did not receive notice until December 11, 2009 at 3:00 PM. The witnesses have requested the presence of their attorney who is unavailable on the date set for the deposition, which is, or was, December 14, 2009 at 9:30 AM.

Accordingly, the Defendants' Motion to Quash is hereby GRANTED but only as to the date and time set out in the Notice and the parties are directed to secure a date and time so that Mr. Perry can be present at the depositions of Bryan Morton and Pamela Morton.

/s/ J. Marschewski

Honorable James R. Marschewski
United States Magistrate Judge