

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

MARTIN WILLS

PLAINTIFF

v.

No. 3:12-cv-03090

CITY OF MOUNTAIN HOME, ARKANSAS; CARRY
MANUEL; ROBERT HARDEN; MICHAEL KELLY;
and JANET FAYE LACEFIELD

DEFENDANTS

ORDER

Currently before the Court are objections (Doc. 90) filed by Defendant Janet Faye Lacefield to a subpoena to produce documents served on her by Plaintiff Martin Wills. Also before the Court is Mr. Wills's response. (Doc. 91).

The Court will construe Ms. Lacefield's objections as a motion to quash the subpoena. As construed, that motion is GRANTED. Since Ms. Lacefield is a party, Mr. Wills should have requested the production of documents from Ms. Lacefield through the procedure set forth in Federal Rule of Civil Procedure 34. Mr. Wills claims that he did seek production through Rule 34, but argues that he was forced to get a subpoena because of Ms. Lacefield's refusal to appropriately respond to his request. Mr. Wills attached a letter (Doc. 91-5) documenting his previous attempt to get production of documents from Ms. Lacefield. It appears, however, that although Mr. Wills may have intended his previous Rule 34 request to encompass the same documents requested in the subpoena, the Rule 34 request is not the same as the request set forth in the attachment to his subpoena (Doc. 91-3).

It also appears to the Court that Mr. Wills has been diligent in trying to get documents from Ms. Lacefield. He simply did not follow the right procedures or perhaps make himself clear in his

original Rule 34 request. Giving Mr. Wills the benefit of the doubt, the Court ORDERS that Ms. Lacefield treat Exhibit A to Mr. Wills's subpoena (Doc. 91-3) as a supplemental request for production of documents. Ms. Lacefield is therefore directed to respond to Mr. Wills's requests as she would a Rule 34 request. The response does not need to be filed on the record, but should be sent to Mr. Wills within 14 days of the date of this Order. If Mr. Wills is unsatisfied with Ms. Lacefield's responses, he may file an appropriate motion to compel within 7 days of receiving Ms. Lacefield's responses, after first attempting in good faith to resolve any disputes with and through Ms. Lacefield's attorney.

This Order will not affect the discovery deadline imposed by the amended final scheduling order (Doc. 89) except to the extent that discovery involving Mr. Wills's supplemental requests may proceed beyond the deadline and in accordance with this Order.

IT IS SO ORDERED this 24th day of July, 2013.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE