

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 17-497-SJO (SPx)	Date	January 15, 2019
Title	WILLIAM J. RICHARDS v. COUNTY OF SAN BERNARDINO, et al.		

Present: The Honorable	Sheri Pym, United States Magistrate Judge
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Kimberly Carter Deputy Clerk	None Court Reporter / Recorder	None Tape No.
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Attorneys Present for Plaintiff: None Present	Attorneys Present for Defendant: None Present
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Proceedings: (In Chambers) Order to Show Cause Why Request for Subpoena Should Not Be Denied Due to Jurisdictional Defect

On January 9, 2019, plaintiff filed an ex parte application requesting a court-ordered subpoena duces tecum for production of the military records of defendant Mark Nourse (docket no. 71). On January 10, 2019, defendant County of San Bernardino and individual defendants Nourse, Parent, Bradford, Navarro, Gregonis, and Sperber filed an Opposition to plaintiff's ex parte application. On January 14, 2019, plaintiff filed a Reply to defendants' Opposition.

Plaintiff's application and Reply are accompanied by proposed subpoenas. These proposed subpoenas command the director of the National Personnel Records Center, located in St. Louis, Missouri, to produce defendant Nourse's personnel records either at the offices of plaintiff's counsel in Pasadena, California or the United States Courthouse in Riverside, California. Thus it appears that production would occur outside a 100-mile radius of the director's residence, place of employment, or place of regularly transacted business in violation of Federal Rule of Civil Procedure 45(c)(2)(A).

Accordingly, plaintiff is hereby ordered to show cause, on or before January 21, 2019, why its request should not be denied due to a jurisdictional defect in its proposed subpoena. Plaintiff is ordered to explain why the subpoena is proper or propose a revised subpoena. If plaintiff agrees the place of production is improper and chooses to propose a revised subpoena, the parties may wish to meet and confer to see if they can reach agreement on the scope of the proposed subpoena.