

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MIRASCO, INC.,  
Petitioner,  
v.  
AL DAHRA ACX GLOBAL, INC.,  
Respondent.

Case No. 1:17-mc-00050-SAB  
ORDER REQUIRING THE PARTIES TO  
SHOW CAUSE WHY THIS MOTION  
SHOULD NOT BE DENIED WITHOUT  
PREJUDICE SUBJECT TO REILING IN  
THE CENTRAL DISTRICT OF  
CALIFORNIA  
DEADLINE: AUGUST 16, 2017  
ORDER VACATING AUGUST 16, 2017  
HEARING

On July 19, 2017, Mirasco, Inc. (“Mirasco”) filed a motion to compel third party Al Dahra ACX Global, Inc. (“Al Dahra”) to comply with the amended subpoena issued on May 3, 2017, (“amended subpoena”) in a civil action which is proceeding in the United States District Court for the Northern District of Georgia. (ECF No. 1.) On July 21, 2017, Mirasco filed an amended motion to compel. (ECF No. 3.) On July 24, 2017, the Court set Mirasco’s motion to compel for hearing before the undersigned on August 16, 2017. (ECF No. 4.) On July 24, 2017, Mirasco filed a certificate of service indicating that it had served the Court’s July 24, 2017 order setting the motion to compel for hearing on Al Dahra and on Diaa Ghaly (“Ghaly”), the defendant in the civil action in the Northern District of Georgia. (ECF No. 5.) On August 9, 2017, the parties to this discovery dispute filed a joint statement, including a copy of the

1 amended subpoena. (ECF No. 8.) On August 9, 2017, Mirasco filed a notice of request to seal  
2 documents. (ECF No. 9.)

3 On May 3, 2017, Mirasco served the amended subpoena on Al Dahra. (ECF Nos. 8-5, 8-  
4 6.) The subpoena states that production of the documents was to occur on May 19, 2017, at  
5 12:00 p.m. at the office of Mirasco’s attorney in Los Angeles, California. (Id.) The subpoena is  
6 addressed to “Al Dahra ACX Global, Inc., c/o Registered Agent: Brent Hansston” at an address  
7 in Wilmington, California. (Id.)

8 Rule 45(d)(2)(B)(i) provides that if an objection is made to a subpoena to produce  
9 documents, “[a]t any time, on notice to the commanded person, the serving party may move the  
10 court for the district where compliance is required for an order compelling production or  
11 inspection.” Further, Rules 45(d)(3)(A) and 45(d)(3)(B) provide that the court for the district  
12 where compliance is required must quash or modify a subpoena in certain circumstances and  
13 may do so in other specific circumstances. The nonparty’s interests are protected by having the  
14 court in which compliance is required—which, per Rule 45(c), will be a court local to the  
15 nonparty—handle disputes over compliance. See Fed. R. Civ. P. 45 (Notes to 2013  
16 Amendments) (“To protect local nonparties, local resolution of disputes about subpoenas is  
17 assured by the limitations of Rule 45(c) and the requirements in Rules 45(d) and (e) that the  
18 motions be made in the court in which compliance is required under Rule 45(c).”).

19 Here, the amended subpoena states that the designated place of production is in Los  
20 Angeles, California, and that the location of Al Dahra is in Wilmington, California, which are  
21 both in Los Angeles County. (ECF Nos. 8-5, 8-6.) Therefore, it appears that the Central District  
22 of California is the court for the district where compliance is required. The parties shall show  
23 cause on or before August 16, 2017, why Mirasco’s motion to compel Al Dahra to comply with  
24 the amended subpoena should not be denied without prejudice subject to refile in the Central  
25 District of California, and the Court shall vacate the August 16, 2017 hearing.

26 Based on the foregoing, IT IS HEREBY ORDERED that:

- 27 1. The parties shall show cause on or before August 16, 2017, why Mirasco’s  
28 motion to compel Al Dahra to comply with the amended subpoena should not be

1 denied without prejudice subject to refiling in the Central District of California;

2 2. The August 16, 2017 hearing on the motion to compel is VACATED; and

3 3. Mirasco shall serve a copy of this order on Al Dahra no later than 5:00 p.m. on  
4 August 14, 2017, and file proof of service with the Court.

5 IT IS SO ORDERED.

6 Dated: August 11, 2017



7 UNITED STATES MAGISTRATE JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28