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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE G. SCHMIDT, et al.,

Plaintiffs,

No. 2:09-cv-0660 LKK GGH PS

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

_____ /

Pending before the court is a motion to quash subpoena to non-parties George Adams, III and George Adams & Company, filed by non-party and former defendant Warfield and noticed for hearing on June 20, 2013. According to Warfield¹, the subpoena was served on the non-parties on April 26, 2013. The discovery cutoff in this case was April 24, 2013. (Dkt. no. 80.) As the undersigned stated in a prior order with respect to previous subpoenas issued by plaintiffs, plaintiffs should have requested an extension to the discovery cutoff prior to the April 24th deadline if they had a reasonable excuse for waiting so long to issue the subpoenas.

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¹ It is unnecessary to address the issue of Warfield's standing to file a motion on behalf of George Adams, III or George Adams & Company.

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Accordingly, IT IS ORDERED that:

1. The subpoena issued to George Adams III and George Adams & Company on April 26, 2013, will not be enforced; and
2. The motion to quash, filed May 7, 2013, by Lawrence Warfield, (dkt. no. 102), is denied as moot and vacated from the calendar for June 20, 2013.
3. The Clerk shall serve Lawrence Warfield at the address indicated in his motion.

DATED: May 10, 2013

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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