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

CARMELO ANTHONY, et al.,

Plaintiffs,

No. CIV S-09-2272 WBS KJM

vs.

LARRY HARMON, et al.,

Defendants.

ORDER

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Defendants’ motion to quash subpoenas came on regularly for hearing April 14, 2010. Zachary Wadle appeared for plaintiffs and Robert Hirsh appeared telephonically for plaintiffs. Stephen Robertson appeared for defendants. Upon review of the documents in support and opposition, upon hearing the arguments of counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Pursuant to the parties’ agreement, the documents subpoenaed from Bank of the West shall be produced for attorneys’ eyes only under the stipulated protective order previously entered in this action.

2. The court finds the privacy interests of both defendant Larry Harmon and nonparty Kristine Harmon implicated by production of the subpoenaed documents will be accommodated by production subject to the terms of the protective order. Given the allegations

1 of self-dealing, conversion, breach of fiduciary duty and accounting, under the broad scope of  
2 discovery allowed under the Federal Rules of Civil Procedure, the court finds the interests weigh  
3 in favor of production. The motion to quash the subpoena to Citibank is accordingly denied.  
4 The documents shall be produced for attorneys' eyes only according to the terms of the protective  
5 order previously entered in this action.

6 3. The court finds an award of expenses is not warranted considering all of the  
7 circumstances reflected in the record before it on this motion. Fed. R. Civ. P. 37 (a)(5)(A).

8 DATED: April 21, 2010.

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12 U.S. MAGISTRATE JUDGE  
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