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

NTP MARBLE, INC.,

No. 2:10-MC-0015 JAM DAD

Plaintiff,

v.

JOHN DOES (1-10), et al.,

ORDER

Defendants.

_____ /

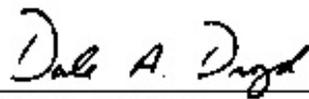
Defendants commenced this miscellaneous action on February 4, 2010, by paying the \$39.00 filing fee and filing a motion to quash a third-party subpoena that was issued to Google, Inc. in the Eastern District of California. Despite the instructions of the Clerk of the Court, and despite the passage of more than two months, it does not appear that defendants' attorney has petitioned for admission to the Bar of this Court or applied for permission to appear in this court pro hac vice. See Local Rule 180(a)(1) and (b)(2). Nor has defendants' counsel complied with this court's rules regarding electronic filing and service, see Local Rules 133 & 135, or this court's rule regarding the hearing of motions dealing with discovery matters, see Local Rule 251.

A review of the docket for NTP Marble, Inc. v. John Does (1-10), et al., case No. 2:09-cv-5783 CDJ (E.D. Pa.), reveals that defendants' counsel filed an identical motion to quash

1 in the underlying trademark infringement case on February 3, 2010. By order filed in the
2 Pennsylvania case on April 9, 2010, the assigned judge ordered plaintiff to file a response to
3 defendants' motion to quash on or before April 23, 2010. Plaintiff filed opposition to the motion
4 on April 21, 2010. In light of the duplicative nature of the motion filed in this court on February
5 4, 2010, together with defendants' complete failure to litigate their motion in this court, the
6 motion will be denied.

7 IT IS HEREBY ORDERED that defendants' February 4, 2010 motion to quash
8 third-party subpoena to Google, Inc. (Doc. No. 1) is denied without prejudice, and the Clerk of
9 the Court is directed to close this case.

10 DATED: April 21, 2010.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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