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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Plaintiffs have noticed for hearing on shortened time a motion to quash a subpoena of legal counsel and an environmental firm. Because oral argument is not of material assistance, this matter is submitted on the briefs. E.D. Cal. L.R. 230(g). Upon review of the documents submitted in support and opposition, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Defendants have served a subpoena for deposition of Mark Gilmartin and Environmental Audit, Inc. to take place on November 18, 2016. The subpoenaed attorney and environmental firm are involved in litigation unrelated to the present action. Defendants make no showing justifying the subject depositions. The motion to quash will therefore be granted.

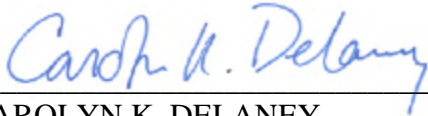
Defendants have engaged in a flurry of serving subpoenas for deposition in this action which have no justifiable basis. The court finds that defendants have abused the subpoena process. Defendants' subpoena power will therefore be limited.

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Accordingly, IT IS HEREBY ORDERED that:

1. The hearing date of November 16, 2016 is vacated.
2. Plaintiffs' motion to quash subpoena (ECF No. 111) is granted.
3. The Clerk of Court is directed to issue no further subpoenas upon request of defendants absent further order of the court. Defendants may, by motion, request issuance of a subpoena. A subpoena shall not issue absent a showing of good cause. Defendants are cautioned that serving any further subpoenas without permission of this court shall result in a recommendation that their answer be stricken and that their counterclaim be dismissed.

Dated: November 12, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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