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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

No. 2:14-cv-02722-JAM-CKD

**ORDER GRANTING DEFENDANTS'
REQUEST FOR SUBPOENAS IN PART**

In compliance with the standing order issued by Magistrate Judge Delaney, ECF No. 116, Defendants filed a Motion Requesting Issuance of Subpoenas to Trial Witnesses, ECF No. 290. Defendants' motion for subpoenas is granted, in part. The Clerk of Court is directed to issue subpoenas for trial for the persons listed in Exhibit A to Defendants' motion, excluding James (Jim) C. DeMartini (#5), Douglas Johnson (#20), and Mark Gilmartin (#39). These three individuals reside over one hundred miles from this Court and therefore may only be commanded to attend trial under certain circumstances not present here. See Fed. R. Civ. P. 45(c).

1 Defendants are advised that their ability to call witnesses
2 and elicit testimony will be limited to the two claims remaining
3 in the case and may still fall subject to a motion in limine.
4 See Opposition to Motion for Issuance of Subpoenas, ECF No. 291.
5 The parties should not interpret this Order as an indication that
6 the Court will permit Defendants to call each witness.
7 Defendants are reminded that the rules of procedure apply to
8 them, including Fed. R. Civ. P. 45(d)(1), which requires parties
9 issuing subpoenas to take reasonable steps to avoid imposing
10 undue burden or expense on a person subject to the subpoena.

11 IT IS SO ORDERED.

12 Dated: March 13, 2018

13 /s/ John A. Mendez
14 United States District Court Judge

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