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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CDK GLOBAL, LLC,
Plaintiff,
v.
TULLEY AUTOMOTIVE GROUP, INC.,
Defendant.

No. 2:16-mc-0191 MCE CKD

ORDER


Defendant has filed a motion to compel compliance with a subpoena duces tecum served on non-party Performance Chevrolet. The subpoena was issued in June, 2016 by the United States District Court for the District of New Jersey and production was called for in New York. ECF No. 1-5. As such the instant motion to compel should have been brought in the federal court venued in New York. Fed. R. Civ. P. 45(d)(2)(B)(i). In addition, it appears defendant's motion to compel is untimely under the scheduling order issued in the New Jersey action. ECF No. 4-4 at p. 3 (fact discovery to be completed by August 31, 2016). Moreover, objections have been filed by an interested party and it appears that defendant has not properly met and conferred with the objecting party.

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Accordingly, IT IS HEREBY ORDERED that defendant's motion to compel (ECF No. 1) is denied without prejudice.

Dated: January 10, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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