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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAWESTPORT INSURANCE
CORPORATION,

Plaintiff,

v.

NORTHERN CALIFORNIA RELIEF,

Defendant.

Case No. 14-cv-00312-CRB (KAW)

**ORDER TERMINATING MOTION TO
COMPEL**

Re: Dkt. No. 77

On March 26, 2015, Defendant Northern California Relief moved to compel compliance with subpoenas served on non-party law firms. (Def.'s Mot. to Compel, Dkt. No. 77.) The subpoenas seek production of certain documents, which Defendant intends to use in its opposition to Plaintiff's summary judgment motion. (Id. at 23.) The current due date for Defendant's opposition is April 1, 2015. (Order, Dkt. No. 73.) Defendant has filed a separate ex parte application in which it requests that the motion to compel be heard prior to April 1, 2015 or, alternatively, that the deadlines associated with the motion for summary judgment be continued so that it has an opportunity to obtain the outstanding discovery. (Def.'s Ex Parte App., Dkt. No. 74.) The ex parte application is denied to the extent that it seeks a hearing on the motion to compel prior to April 1, 2015.

Moreover, the Court notes that the subpoenas at issue list Los Angeles, CA as the place of compliance. Rules 37 and 45 of the Federal Rules of Civil Procedure provide that when a litigant seeks information from a nonparty, it must seek relief from the court for the district where compliance is required. See Fed. R. Civ. P. 37(a)(2) ("A motion for an order to a nonparty must be made in the court where the discovery is or will be taken."); Fed. R. Civ. P. 45(d)(2)(b)(i) ("At any time, on notice to the commanded person, the serving party may move the court for the district

United States District Court
Northern District of California

1 where compliance is required for an order compelling production or inspection."). Therefore, if
2 Defendant intends to pursue these discovery matters in this forum, it shall file a brief explaining
3 why the relief sought should not be obtained from the United States District Court for the Central
4 District of California.

5 IT IS SO ORDERED.

6 Dated: 03/31/15

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8 KANDIS A. WESTMORE
9 United States Magistrate Judge

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