

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOMEWARD RESIDENTIAL, INC.,
Plaintiff,
v.
SAND CANYON CORPORATION,
Defendant.

Case No. 15-mc-80287-DMR

**ORDER GRANTING THE REQUEST
OF THE PARTIES AND MR. SAMPATH
TO TRANSFER SUBPOENA-RELATED
MOTION TO ISSUING COURT**

Re: Dkt. No. 6

The parties and third-party Mr. Athreya Sampath have filed a joint discovery letter [Docket No. 6] requesting that the court transfer Plaintiff's and Mr. Sampath's Motion to Quash Defendant's deposition subpoena to Mr. Athreya Sampath to the issuing court, the United States District Court for the Southern District of New York, pursuant to Federal Rule of Civil Procedure 45(f). Federal Rule of Civil Procedure 45(f) provides that "[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents." Mr. Sampath, the subject of the subpoena, and all parties to the litigation have consented to and requested the transfer of the motion to quash from this court to the issuing court.

The request of the parties and Mr. Sampath is granted. Sand Canyon's and Mr. Sampath's Motion to Quash Homeward's deposition subpoena is hereby transferred to the United States District Court for the Southern District of New York pursuant to Federal Rule of Civil Procedure 45(f). To accomplish this transfer, Plaintiff and Mr. Sampath are directed to file their Motion to Quash the Subpoena to Mr. Sampath in the existing underlying case in the United States District Court for the Southern District of New York. The clerk is hereby ordered to close this case.

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IT IS SO ORDERED.

Dated: December 11, 2015



Donna M. Ryu
United States Magistrate Judge