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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RUSSELL COLE, et al.,  
  Plaintiffs,  
  v.  
CITY OF SUNNYVALE, et al.,  
  Defendants.

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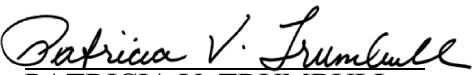
Case No.: C 08-5017 RMW (PVT)  
**ORDER RE “OBJECTION BY PLAINTIFFS  
TO PRODUCTION OF MEDICAL RECORDS  
SUBPOENAED BY DEFENDANTS”**

On November 30, 2009, Plaintiffs filed a document entitled “Objection by Plaintiffs to Production of Medical Records Subpoenaed by Defendants.” Based on said document and the file herein,

IT IS HEREBY ORDERED that to the extent Plaintiffs seek to preclude the subpoenaed entities from complying with a valid subpoena, the objection is OVERRULED without prejudice to a proper motion for protective order or to modify the subpoenas. On its face, the objection procedure of Rule 45(c)(2)(B) are available only to the entities “commanded to produce documents or tangible things or to permit inspection,” and not to Plaintiffs. Thus, the objection filed by Plaintiffs does not relieve the subpoenaed parties of their obligations pursuant to the subpoenas.

IT IS FURTHER ORDERED that, absent agreement of all parties or further order of the court, the subpoenas referenced in the Plaintiffs’ objection are STAYED until December 8, 2009, in order to allow Plaintiffs time to prepare and file a proper motion.

Dated: 12/1/09

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge