

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATALIE THUY VAN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WAL-MART STORES, INC., et al., )  
 )  
 Defendants. )

Case No.: C 08-5296 PSG  
**ORDER DENYING PLAINTIFF'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE MOTION TO  
QUASH**  
**(Re: Docket No. 347)**


On April 5, 2011, Plaintiff Natalie Thuy Van ("Van") filed an administrative motion seeking leave to file a motion to quash a subpoena served on non-party Albert Buu-Hoang Nguyen-Phoc ("Phoc").<sup>1</sup> As an initial matter, the court must determine whether Van has standing to move to quash a subpoena served upon a non-party. "Ordinarily a party has no standing to seek to quash a subpoena issued to someone who is not a party to the action, unless the objecting party claims some personal right or privilege with regard to the documents sought."<sup>2</sup> Van has not claimed that she has a personal right or privilege with regard to the documents sought. Van does

<sup>1</sup> See 4/4/11 Admin. Mot. for Leave To File Mot. for Sanctions for Using Jud. Process Impropr., Abusing Authority, Failing To Take Reasonable Steps To Avoid Imposing Undue Burden, Loss of Wages, Intruding Upon Non-Party's Privacy, Disclosure of Private Photos, and Req. Docs. Unrelated (Docket No. 327).

<sup>2</sup> *Chasten v. Franklin*, No. 10-80205 MISC JW (HRL), 2010 WL 4065606, at \*1 (N.D. Cal. Oct. 14, 2010) (citing 9A Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 2459 (3d ed.2008)).

1 not have standing to bring a motion to quash the subpoena directed at Phoc. The motion for leave  
2 to file a motion to quash, therefore, is DENIED.

3 Dated: 4/7/2011

4   
5 PAUL S. GREWAL  
6 United States Magistrate Judge

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Notice of this filing was automatically mailed to counsel via the court's Electronic Case Filing  
system.

2  
3 A copy of this filing was mailed to:

4 Nathalie Thuy Van  
1037 North Abbott Avenue  
Milpitas, CA 95035

5 Dated: April 8, 2011

6  
7 /s/ Chambers Staff  
Chambers of U.S. Magistrate Judge Paul S. Grewal

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28