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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELIZABETH ANN WILLIAMS,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

Case No. [5:13-cv-03387-EJD](#)

**ORDER GRANTING DEFENDANT’S
MOTION TO QUASH TRIAL
SUBPOENAS**

Re: Dkt. No. 102

Plaintiff issued trial subpoenas to two Wells Fargo employees: Melissa Thomas and Melissa Becker. Wells Fargo moves to quash these subpoenas because both witnesses live, work, and transact business in Texas. Dkt. No. 102.

Fed. R. Civ. P. 45(c)(1)(A) authorizes a trial subpoena to command attendance “within 100 miles of where the person resides, is employed, or regularly transacts business in person.” Fed. R. Civ. P. 45(d)(3)(A)(ii) requires that, on a timely motion, a court “must quash or modify a subpoena that . . . requires a person to comply beyond the geographical limits specified in Rule 45(c).”

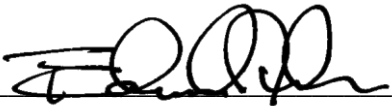
Plaintiff admits that both witnesses are outside Rule 45(c)’s geographical limits. Dkt. No. 108 at 3. However, Plaintiff argues that this Court has discretion to enforce the subpoenas. *Id.* Plaintiff relies on the Advisory Committee Notes to the 2013 Amendment to Rule 45(c), which

1 state: “When travel over 100 miles could impose substantial expense on the witness, the party that
2 served the subpoena may pay that expense and the court can condition enforcement of the
3 subpoena on such a payment.” Id.

4 This excerpt refers to Rule 45(c)(1)(B)(ii), not 45(c)(1)(A). Subsection (B)(ii) applies only
5 to subpoenas that command attendance “within the state where the person resides.” It does not
6 apply here because Melissa Thomas and Melissa Becker reside in Texas. As such, this Court must
7 quash Plaintiff’s trial subpoenas to Melissa Thomas and Melissa Becker under Fed. R. Civ. P.
8 45(d)(3)(A)(ii).

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10 **IT IS SO ORDERED.**

11 Dated: July 24, 2017

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14 EDWARD J. DAVILA
15 United States District Judge
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