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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PRESIDIO COMPONENTS, INC.,

Plaintiff,

vs.

AMERICAN TECHNICAL CERAMICS
CORP.,

Defendant.

CASE NO. 08cv335-IEG(NLS)

Order Denying Motion to Quash
Trial Subpoena

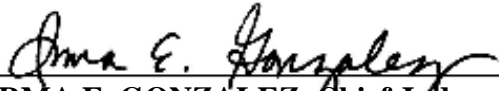
Plaintiff Presidio Components, Inc. (“Presidio”) has filed an ex parte application to quash trial subpoenas issued by Defendant American Technical Ceramics Corp. (“ATC”). ATC filed an opposition. A hearing was held before Chief Judge Irma E. Gonzalez on November 30, 2009, at which time the Court denied Presidio’s motion to quash. At the hearing, however, Presidio argued for the first time that the Court should quash ATC’s subpoena to one of the witnesses, Gunter Vorlop, because he resides in Northern California. Presidio argued that because Vorlop resides more than 100 miles from the Court, ATC cannot secure his attendance at trial through a Rule 45 trial subpoena.

Rule 45 ordinarily limits the scope of a subpoena issued thereunder to witnesses residing within 100 miles of the place designated for trial. However, Rule 45(b)(2)(C) provides that a subpoena may be served “at any place: ... (C) within the state of the issuing court if a state statute or court rule allows service at that place of a subpoena issued by a state court of general

1 jurisdiction sitting in the place specified for the ... trial.” Pursuant to Cal. Code Civ. Proc. § 1989,
2 persons who are residents of California may be subpoenaed to appear and testify in any court in
3 the state. William E. Wegner, et al., Cal. Prac. Guide Civ. Trials & Evid. § 1:51 (Rutter Group
4 2009). Because the California Code of Civil Procedure permits statewide service of trial
5 subpoenas, ATC may issue a Rule 45 subpoena to compel Mr. Vorlop’s attendance at trial in this
6 Court. Presidio’s motion to quash the subpoena to Mr. Vorlop is DENIED.

7 **IT IS SO ORDERED.**

8 **DATED: November 30, 2009**

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10 **IRMA E. GONZALEZ, Chief Judge**
11 **United States District Court**

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