

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02447-CMA-KLM

J & J SPORTS PRODUCTIONS, INC., as Broadcast Licensee of the December 6, 2008,
DeLaHoya/Pacquiao Broadcast,

Plaintiff,

v.

DAVID STOTT, individually, and as an officer, director shareholder and/or principal of
STOTTGRACEY LLC, d/b/a SPORTSCASTER BAR & GRILL, a/k/a SPORTSCASTER
BAR, a/k/a SPORTSCASTER GRILL & TAVERN, a/k/a SPORTSCASTER BAR &
RESTAURANT, and
STOTTGRACEY LLC, d/b/a SPORTSCASTER BAR & GRILL, a/k/a SPORTSCASTER
BAR, a/k/a SPORTSCASTER GRILL & TAVERN, a/k/a SPORTSCASTER BAR &
RESTAURANT,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's Counsel's letter dated February 4, 2010 [Docket No. 20], which the Court deems to be a motion (the "Motion"). The purpose of the Motion is to seek the Court's signature on a subpoena *duces tecum* to non-party DISH Network, LLC.

First, it is not appropriate for counsel to communicate with the Court by letter, except in the context of settlement negotiations. The Court ordinarily does not, and will not in the future, respond to letters from counsel.

Second, as set forth in Fed.R.Civ.P. 45(a)(3), a subpoena *duces tecum* must be completed by a party and either issued by the clerk of the court for the district where the production is to be made, or by an attorney as an officer of that court, so long as s/he is authorized to practice therein. Accordingly, pursuant to the Federal Rules of Civil Procedure, United States Magistrate Judges don't sign subpoenas.

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

Dated: February 10, 2010