

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LYNN FREDERICK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 07-677-JJF
	:	
AVANTIX LABORATORIES, INC.,	:	
	:	
Defendant.	:	

**MEMORANDUM ORDER**

Plaintiff Lynn Frederick has filed a Motion To Compel TDM Pharmaceutical Research, LLC ("TDM") (D.I. 51) to comply with a subpoena duces tecum. Plaintiff contends that TDM has not replied or objected to the subpoena, and therefore, has waived any objection to the subpoena. (Id.)

By her present motion, Plaintiff seeks (1) an order compelling TMD to respond to the subpoena, (2) an order requiring TMD to produce the requested documents, (3) an order requiring TMD to submit to a deposition under Fed. R. Civ. P. 30(b)(6), (4) leave to file a motion to join TMD following discovery, and (5) an award of costs and fees associated with bringing the instant motion. (Id.)

TMD has responded to the motion (D.I. 58) and stated that it will comply with the subpoena; however, TMD objects to portions of the subpoena. (Id. at 4-5 (objecting to several requests as irrelevant, overbroad, and unsupported in light of TMD's position as a third party to the instant suit).)

On the present record, the Court concludes that Plaintiff's

subpoena has or will be complied with by TMD and thus the motion will be denied; however, if TMD's compliance does not comport to the requests of Plaintiff's subpoena, Plaintiff may renew its motion.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (D.I. 51) is **DENIED**, with leave to renew.

July 15, 2010  
DATE

Joseph H. Farnsworth  
UNITED STATES DISTRICT JUDGE