

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA PH 12:33
JACKSONVILLE DIVISIONMIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA
CASE NO. 3:07-mc-53-J-33JRK

WARD EDWARDS, INC.,

Plaintiff,

vs.

THE DEVLIN GROUP, INC.,

Defendant.

MEMORANDUM OF LAW

Movant, FIRST CITY DEVELOPMENT, LLC, a Florida limited liability company, by and through its undersigned attorneys, respectfully files this Memorandum of Law in Support of its Objection and Motion to Quash or Modify Subpoena Duces Tecum and as grounds therefor would show to the Court as follows: Rule 45, Federal Rules of Civil Procedure, provides in subparagraph C thereof that protection may be granted to persons subject to subpoena. Specifically, under subsection (3), on timely motion, the Court by which a subpoena was issued shall quash or modify it if it “(i) requires disclosure of a trade secret or other confidential research, development or commercial information. . . .” The subpoena issued in the instant case is directed to a non-party but requires disclosure of operating agreements, capital accounts maintained with respect to this entity’s members, any and all financial statements and any and all ledgers which reflect accounts maintained by this entity for the past five years.

Plaintiff's efforts to uncover the financial assets of the Defendant in the instant case should be directed to the Defendant and not the movant. Further, any document production by movant should be limited to the interest, if any, of the Defendant in the instant case.

Plaintiff should be precluded from harassing movant with burdensome discovery requests which are directed to movant solely because the named registered agent of the movant is the same or similar to the registered agent of the Defendant herein.

GARTNER, BROCK AND SIMON

By: 

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LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile transmission and U.S. mail to M. SCOTT THOMAS, ESQUIRE, Thomas & Lawrence, P.A., 1301 Riverplace Boulevard, Suite 1630, Jacksonville, Florida, 32207, and by U.S. mail to THE DEVLIN GROUP, INC., c/o Wallace R. Devlin, Jr., Registered Agent, 1548 The Greens Way, Suite 6, Jacksonville, Florida, 32250, JAMES A. BISHOP, ESQUIRE, 7777 Gloucester Street, Suite 401, Brunswick, Georgia, 31520, and C. FOSTER LINDBERG, ESQUIRE, 158 Scranton Connector, Brunswick, Georgia, 31525, this 31st day of March, 2008.


Attorney