

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA 12: 33
JACKSONVILLE DIVISION2006 APR 12 PM 2:33
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

CASE NO. 3:07-mc-53-J-33JRK

WARD EDWARDS, INC.,

Plaintiff,

vs.

THE DEVLIN GROUP, INC.,

Defendant.

**OBJECTION AND MOTION TO QUASH OR MODIFY
SUBPOENA DUCES TECUM**

Movant, DEVLIN GROUP PROPERTIES, LLC, a Florida limited liability company, by and through its undersigned attorneys and pursuant to Rule 45(C) of the Federal Rules of Civil Procedure, respectfully requests this Honorable Court to quash or modify the subpoena served upon it and as grounds therefor would show to the Court as follows:

1. Movant is not a party in the referenced litigation. However, the Plaintiff has subpoenaed confidential, development and commercial information including but not limited to operating agreements, capital accounts maintained with respect to this entity's members, any and all financial statements for the past five years and any and all ledgers which reflect accounts maintained by the limited liability company.
2. Since movant is not a party to the litigation, its financial information and that of its members is confidential and not subject to discovery by Plaintiff herein.

Plaintiff's discovery efforts directed to movant should instead be directed to the Defendant judgment creditor. The service of the subpoena in this case constitutes harassment.

WHEREFORE, movant respectfully requests this Honorable Court to grant its motion and to quash or modify the subpoena served herein and to preclude Plaintiff or its counsel from further harassment of the movant.

GARTNER, BROCK AND SIMON

By: 

Frederick R. Brock

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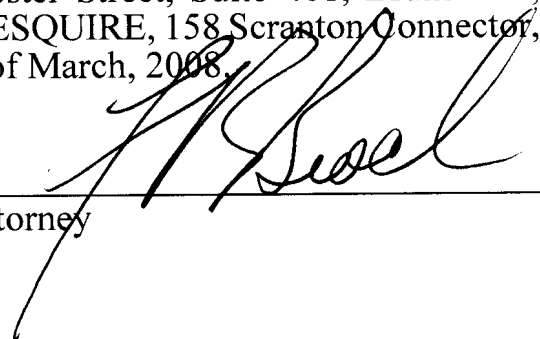
Telephone: (904) 399-0870

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Attorneys for Devlin Group Properties,
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