

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SAMUEL MICHAEL KELLER, *et al.*,

Plaintiffs,

v.

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

CIVIL ACTION NO. 5:11-mc-14 (MTT)

ORDER

This matter is before the Court on non-party movant Ted Gumbart's motion to quash a subpoena issued by this Court in connection with litigation pending in the United States District Court for the Northern District of California, 4:09-CV-1967 (CW). Mr. Gumbart is the Commissioner of the Atlantic Sun Conference, a non-profit corporation organized and existing under the laws of the State of Georgia with an office located in Macon, Georgia. Pursuant to the subpoena, Mr. Gumbart was to produce by August 26, 2011. Counsel for Mr. Gumbart attempted to contact Plaintiffs' counsel to request an extension of time to compile and produce the voluminous materials the Plaintiffs seek, but Plaintiffs' counsel failed to respond to Mr. Gumbart's counsel's attempts to resolve the matter without court intervention.

Pursuant to Federal Rule of Civil Procedure 45(c), a "party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena." Fed. R. Civ.

P. 45(c)(1). “On timely motion, the issuing court must quash or modify a subpoena that fails to allow a reasonable time to comply ... or subjects a person to undue burden.”

Fed. R. Civ. P. 45(c)(3). At first glance, the subpoena in this case appears to request the production of an extraordinarily-broad scope of documents, the production of which would subject Mr. Gumbart and the Atlantic Sun Conference, an entity of limited resources and personnel, to considerable expense. Although the Court is not prepared to quash the subpoena in its entirety at this time, Mr. Gumbart is relieved from the obligation of producing the requested documents by August 26, 2011. The Court sets a hearing on the Motion to Quash for September 30, 2011 at 10:00 am.

SO ORDERED, this 26th day of August, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT