

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JACQUELYN ORR and WILLIAM ORR,

Plaintiffs,

v.

MACY'S RETAIL HOLDINGS, INC.,

Defendant.

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CV 416-237

O R D E R

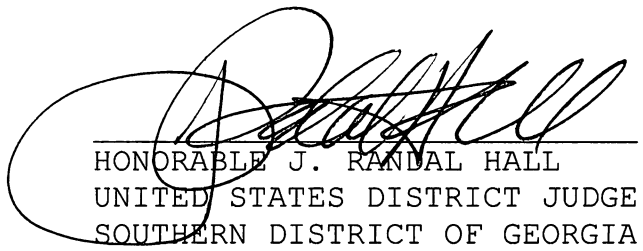
On September 3, 2015, Plaintiffs filed a complaint for damages against Defendant in the State Court of Chatham County, Georgia, *Jacquelyn Orr and William Orr v. Macy's Retail Holdings, Inc.*, Case No. STCV1501426. On February 11, 2016, Defendant removed that action to this Court, thereby initiating the matter of *Orr et al. v. Macy's Retail Holdings, Inc.*, Case No. 4:16-CV-052 (the "Primary Action"). (See Primary Action Docket, Doc. 1.) On August 4, 2016, during discovery in the Primary Action, Defendant served a subpoena *duces tecum* on non-party Facebook, Inc., commanding Facebook to produce documents and other information for inspection at the offices of Defendant's counsel in Atlanta, Georgia in the Northern District of Georgia. (See Doc. 1, Ex. B.)

On August 17, 2016, Plaintiffs filed in the Primary Action their Motion for Protective Order Quashing the Subpoena Issued to Facebook. (See Primary Action Docket, Doc. 44.) On August 18, 2016, Plaintiffs filed in the Northern District of Georgia their Motion to Quash Defendant's Subpoena Directed to Facebook, Inc., thereby initiating the matter of *Orr et al. v. Macy's Retail Holdings, Inc.*, Case No. 1:16-mi-63 (the "Secondary Action"). (Doc. 1.) On September 2, 2016, a United States Magistrate Judge for the Northern District of Georgia ordered that the Secondary Action be transferred to this Court,¹ thereby initiating the instant case. (Doc. 7.) The parties continue to litigate the propriety of Defendant's subpoena to Facebook in the Primary Action.

Upon due consideration, the instant case is **DISMISSED** as duplicative of the presently-pending Primary Action, Case No. 4:16-CV-052. The Clerk is directed to **TERMINATE** all other pending motions and **CLOSE** this case. The Primary Action, and Plaintiffs' and Defendant's respective rights thereunder, shall continue unaffected by the instant dismissal.

¹ The Magistrate Judge for the Northern District of Georgia transferred the Secondary Action to this Court pursuant to Rule 45(f) of the Federal Rules of Civil Procedure, on the grounds that the parties' arguments in relation to Plaintiffs' motion for protective order and motion to quash were virtually identical, and thus there was a risk of inconsistent rulings and waste of judicial resources. (See Doc. 7, at 5-6.)

ORDER ENTERED at Augusta, Georgia, this 29th day of
September, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA