

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

JAMISON J. SHEFTS, *an individual* )  
)  
Plaintiff, )  
)  
v. )  
)  
JOHN PETRAKIS, *an individual*, )  
KEVIN MORGAN, *an individual*, )  
and HEIDI HUFFMAN, *an individual*, )  
)  
Defendants. )

Case No. 10-cv-1104

**ORDER & OPINION**

Before the Court is Plaintiff's Motion to Modify Subpoena to James Feehan Pursuant to Rule 45 (Doc. 110). In a hearing held on January 4, 2011, and a Text Order entered on January 6, 2011, this Court granted Defendants permission to take the deposition of James Feehan. However, the Court noted that the deposition "shall be limited to the issues raised in [Defendants] Motion for Sanctions." (Text Order of 1/6/2011).

In that Motion for Sanctions, filed on October 4, 2010, Defendants alleged that Feehan "violated the Preliminary Injunction by obtaining and reviewing communications outside the scope of the Preliminary Injunction, by failing to provide his reports simultaneously to all parties, and by providing copies of the hard drives to [Plaintiff's] attorneys." In particular, Defendants alleged that 1) after obtaining E01 images of the hard drives of various Access2Go computers, beginning on April 30, 2010, Feehan provided unauthorized information to

Plaintiff and his attorneys; 2) upon the completion of his analysis of each computer, Feehan delivered his report to Plaintiff's attorneys, but failed to provide the same information to Defendant's attorneys until July 9, 2010; and 3) Feehan reviewed files on Defendant Petrakis' personal laptop computer which were outside the scope of the Preliminary Injunction. (Doc. 71 at 2-8).

In the subpoena served upon James Feehan, Defendants request the production of various documents and electronic records. (Doc. 110-1). In requests numbered 3 and 4, Defendants request any and all documents and electronic records containing information regarding meetings scheduled or held, or communications between Feehan and Plaintiff or his attorneys regarding Access2Go or this lawsuit. (Doc. 110-1 at 2). In requests 5 and 6, Defendants request all records of phone calls or text messages sent between Feehan and Plaintiff or his attorneys regarding Access2Go or this lawsuit. (Doc. 110-1 at 2). Finally, in request 7, Defendants request all recordings of voicemail messages received by Feehan from Plaintiff or his attorneys regarding Access2Go or this lawsuit. (Doc. 110-1 at 2).

In order to properly limit Defendant's deposition of James Feehan to materials relevant to their Motion for Sanctions, requests 3, 4, 5, 6, and 7 shall be limited to any relevant communications, meetings, phone calls, text messages, or voicemails *which occurred between April 30, 2010 and July 9, 2010*, as all of the allegations in Defendant's Motion for Sanctions relate to events

which took place between these two dates. To the extent that these requests are so limited, Plaintiff's Motion is GRANTED. IT IS SO ORDERED.

Entered this 28th day of January, 2011.

s/ Joe B. McDade  
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JOE BILLY McDADE  
United States Senior District Judge