

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

SUSAN HINDS, individually, and as CEO of)
Strategic Management Harmony, LLC, and)
BFC SOLUTIONS, INC.,)

Plaintiffs,)

v.)

4:05-cv-180-JDT-WGH

ENHANCED BUSINESS REPORTING)
CONSORTIUM, INC.,)
GRANT THORNTON, LLP,)
PRICEWATERHOUSE COOPERS, LLP,)
AMERICAN INSTITUTE OF CERTIFIED)
PUBLIC ACCOUNTANTS,)
MICROSOFT, INC.,)

MIKE STARR, as managing partner of Grant)
Thornton, LLP, and as a founding partner of)
Enhanced Business Reporting Consortium, Inc.,)
JOHN O'CONNOR, as Chairman of Services of)
Pricewaterhouse Coopers, LLP, and as a)
founding partner of Enhanced Business Reporting)
Consortium, Inc.,)

ALAN ANDERSON, as Senior Vice President of)
Member Services of American Institute of)
Certified Public Accountants and as a founding)
partner of Enhanced Business Reporting)
Consortium, Inc., and)

BOB LAUX, as Director of Financial Reporting for)
Microsoft, Inc., and as a founding partner of)
Enhanced Business Reporting Consortium, Inc.,)

Defendants.)

**ORDER DENYING PLAINTIFFS' HARDSHIP
MOTION TO ISSUE SUBPOENAS**

This matter is before the Honorable William G. Hussmann, Jr., United States
Magistrate Judge, on the "Plaintiff's Hardship Motion to Request Court to Issue

Plaintiff's, Pro Se Status, Subpoena's," filed February 26, 2009. (Docket No. 238). Defendant Grant Thornton filed "Defendant's Opposition to Plaintiff's Motion to Issue Subpoenas and for Sanctions," on February 23, 2009. (Docket No. 249). Plaintiff filed a Response on March 30, 2009. (Docket No. 252).

The plaintiff's motion requests that this court issue certain subpoenas. The plaintiff's motion reflects that attached to the motion are the subpoenas which she seeks to be served. However, the docket sheet and filing with the court do not include the subpoenas. The court is unable to determine whether these subpoenas should be issued because they are not attached to the plaintiff's filing and, therefore, the motion is **DENIED**.

The plaintiff is entitled to the issuance of certain subpoenas, and if she tenders new subpoenas, the following portions of Federal Rule of Civil Procedure 45 should be considered:

- (a) Federal Rule of Civil Procedure 45(a)(2)(C) provides that a subpoena for production or inspection of documents must issue "from the court for the district where the production or inspection is to be made."
- (b) Federal Rule of Civil Procedure 45(b)(2)(B) provides that a subpoena may be served at any place "outside [the issuing court] district but within 100 miles of the place specified for the . . . production"
- (c) Federal Rule of Civil Procedure 45(c)(1) provides "[a] party . . . 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."

The plaintiff must recognize that discovery must be relevant to the issue of whether the plaintiff was discriminated against by defendant Grant Thornton during

her employment with them. The discovery process may not be used to assemble information related to other claims not before the presiding court. The plaintiff should substantially reduce the scope of her request to other non-parties in keeping with these relevancy principles.

Defendant Grant Thornton's request for sanctions is **DENIED** at this time. However, the request may be reconsidered if future requests for subpoenas do not comply with the parameters established in this order.

SO ORDERED.

Dated: April 15, 2009



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

Electronic copies to:

Michael J. Buddendeck
AMERICAN INSTITUTE OF CERTIFIED
PUBLIC ACCOUNTANTS
mbuddendeck@aicpa.org

Steven P. Langdon
FROST BROWN & TODD, LLC
slangdon@fbtlaw.com

Gray A. Mateo
NEAL, GERBER & EISENBERG, LLP
gmateo@ngelaw.com

Joseph W. Muccia
THOMPSON HINE LLP
joseph.muccia@thompsonhine.com

Sandra H. Perry
BOSE MCKINNEY & EVANS, LLP
sperry@boselaw.com

David Brian Ritter
NEAL GERBER & EISENBERG LLP
dritter@ngelaw.com

William Michael Sunkel
WINSTON & STRAWN LLP
wsunkel@winston.com

David L. Swider
BOSE MCKINNEY & EVANS, LLP
dswider@boselaw.com

Mail copies to:

SUSAN HINDS
1313 Gleneagles Place
Greendale, IN 47025

M. Faiyaz Hussain
GRANT THORNTON LLP
175 W. Jackson Blvd.
Chicago, IL 60604