

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ALEX HUAQIANG LEO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 09-2139-KHV
	)	
GARMIN INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	

**ORDER**

This employment discrimination case comes before the court on pro se plaintiff Alex Huaqiang Leo’s motion for the issuance of a Fed. R. Civ. P. 30(b)(6) subpoena to defendant Garmin International, Inc. (**doc. 90**).<sup>1</sup> Pursuant to Fed. R. Civ. P. 45(a)(3), the clerk is required to issue a subpoena, “signed but otherwise blank, to a party who requests it.” The requesting party must then complete the subpoena and effectuate its service.<sup>2</sup> The court therefore grants plaintiff’s motion for the issuance of the subpoena and orders the clerk to issue the subpoena forthwith. The court directs plaintiff’s attention to Fed. R. Civ. P. 45 for

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<sup>1</sup>Plaintiff states that defendant has refused to “designate any representative” for deposition and states that because Mr. Min Kao is the only person identified in defendant’s responses to plaintiff’s fourth requests for admissions the subpoena should be issued to Mr. Kao. Pursuant to Fed. R. Civ. P. 30(b)(6), however, plaintiff should simply name Garmin as the deponent in the subpoena, thus giving Garmin the opportunity to designate one or more persons to testify on its behalf.

<sup>2</sup>To the extent that plaintiff’s memorandum in support of his motion (docs. 91 and 92, which are identical) sets forth the topics on which he would like defendant to testify and to provide information, plaintiff should also set forth these topics in the subpoena itself pursuant to Fed. R. Civ. P. 30(b)(6).

the requirements governing the form, contents, and service of subpoenas and to Fed. R. Civ. P. 30 for the requirements governing depositions.

IT IS HEREBY ORDERED:

1. Plaintiff's motion for the issuance of subpoena (doc. 90) is granted and the clerk shall issue the subpoena forthwith.

Dated this 10th day of November, 2009, at Kansas City, Kansas.

s/James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge