

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ACTIVISION TV, INC.,

Plaintiff,

v.

Case No. 13-231-JWL

CARMIKE CINEMAS, INC.,

Defendant.

ORDER

Cinema Scene Marketing & Promotions, LLC (“Cinema Scene”) has filed a motion to quash a subpoena that plaintiff Activision TV, Inc. served on Cinema Scene (**doc. 38**). Cinema Scene argues that the subpoena is overly broad, seeks irrelevant documents, and does not allow a reasonable time to comply. Because plaintiff has not filed a response to the motion, it is granted as unopposed.

D. Kan. Rule 7.4(b) provides “[i]f a responsive brief or memorandum is not filed within the Rule 6.1(d) time requirements, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.” Cinema Scene filed the motion to quash on December 17, 2013. Under D. Kan. Rule 6.1(d)(1), any responses were required to be filed within 14 days, i.e., by December 31, 2013. No response has been filed. Thus, the court considers the motion unopposed. The motion is granted and Cinema Scene need not respond to the subpoena.

IT IS SO ORDERED:

Dated January 2, 2014, at Kansas City, Kansas.

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