

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

XPO LOGISTICS FREIGHT, INC.	)	
f/k/a CON-WAY FREIGHT INC.,	)	
a Delaware corporation,	)	Case No. 16-mc-220-JWL-TJJ
	)	
Movant,	)	Relating to an action pending in
	)	the United States District Court for the
v.	)	Eastern District of Pennsylvania
	)	Case No. 5:16-cv-2247-JFL
YRC, INC.,	)	
	)	
Respondent.	)	

**ORDER**

XPO Logistics Freight, Inc. (“XPO”) has filed a second motion (ECF No. 16) to compel a non-party YRC, Inc. employee to produce subpoenaed documents pursuant to Fed. R. Civ. P. 45(d). The subpoena duces tecum was issued out of a civil case filed in the Eastern District of Pennsylvania (the “Pennsylvania case”)<sup>1</sup> and requires compliance in the state of Michigan.<sup>2</sup>

XPO, as the party serving the subpoena, may move for an order compelling production or inspection of subpoenaed documents under Federal Rule of Civil Procedure 45(d)(2)(B)(i), however, the motion must be filed in the “district where compliance is required.” As the subpoena at issue in XPO’s motion would require compliance in Michigan and not Kansas, this Court is therefore without authority to rule on XPO’s motion.

IT IS THEREFORE ORDERED that XPO’s second motion to compel (ECF No. 16) is denied without prejudice.

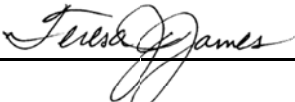
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<sup>1</sup> *XPO Logistics Freight, Inc. v. Dekker*, Case No. 5:16-cv-2247-JFL (E.D. Penn.).

<sup>2</sup> See Bergman Subpoena, ECF No. 16-2.

IT IS SO ORDERED.

Dated January 20, 2017 in Kansas City, Kansas.



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Teresa J. James  
U. S. Magistrate Judge