UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

JOYCE KUMASI **CIVIL ACTION**

VERSUS

UNKNOWN COCHRAN, ET AL. **NO. 13-00489-BAJ-SCR**

ORDER

Before the Court is Plaintiff's **Motion to Continue Trial and for Issuance of Subpoena Duces Tecum (Doc. 32)** filed by Joyce Kumasi ("Plaintiff"), seeking an order from this Court continuing the trial scheduled in this matter and the issuance of a *subpoena duces tecum* for information leading to the whereabouts of Gideon Danes ("Danes"), son of Robert Gardley ("Gardley"), the decedent in this wrongful death and survival action.

However, the instant motion provides no details regarding specific efforts made by Plaintiff's counsel or Plaintiff to locate Danes. Further, at the hearing held on the instant and other pending motions, counsel for Plaintiff stated only that general "internet efforts and so forth" have been made in an attempt to locate Danes. In fact, counsel for Plaintiff admitted that Plaintiff had no incentive to seek out or locate Gardley's son as it would result in her losing her cause of action. Instead, counsel for Plaintiff confirmed the position articulated in the instant motion that Plaintiff has no method of contacting Danes without first obtaining

information from the Baton Rouge School Board regarding Danes's last known address or the name of his last known guardian.

In light of these representations, the Court is not satisfied at this juncture that Plaintiff has undertaken all reasonable efforts to locate either Gardley's child, the child's mother, or the child's legal guardian independently. Further, Plaintiff has cited no authority that would permit the granting of a subpoena to acquire such sensitive information regarding a minor under these circumstances, nor is the Court aware of any authority permitting it to do so. Accordingly, the Court declines to issue the requested subpoena at this time. Instead, the Court will give Plaintiff forty-five days to attempt to locate Gardley's son.

For the foregoing reasons,

IT IS ORDERED that Plaintiff's motion (Doc. 32) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff **SHALL FILE** a status report in the above captioned matter on or before **Monday, June 15, 2015**, detailing any and all efforts made to locate Gideon Danes, as well as the results of those efforts, if any.

Baton Rouge, Louisiana, this 28th day of April, 2015.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA