

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**TA’RHONDA CHUBE CAMEL, ET AL.**

**CIVIL ACTION**

**VERSUS**

**OLD RIVER OF NEW ORLEANS, LLC**

**NO. 17-380-JWD-RLB**

**ORDER**

Before the Court is Plaintiffs’ Motion to Compel (R. Doc. 35) filed on February 1, 2018. Plaintiff seeks an order requiring YRC, Inc. d/b/a YRC Freight (“YRC”) to comply with a subpoena. A copy of the issued subpoena is found in the record. (R. Doc. 27-2).

Rule 45 provides that “[a]t any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.” Fed. R. Civ. P. 45(d)(2)(B)(i) (emphasis added). The Court may not order compliance with a subpoena under Rule 45 unless the subpoenaed party and the parties to the action have first been provided notice of the motion to compel. See, e.g., *Shaw Grp., Inc. v. Zurich Am. Ins. Co.*, No. 12-257, 2014 WL 68604, at \*1 (M.D. La. Jan. 8, 2014), reconsideration denied, 2014 WL 204244 (M.D. La. Jan. 17, 2014).

Here, the record does not indicate that the non-party YRC has been served with a copy of Plaintiff’s Motion to Compel.

Accordingly,

**IT IS ORDERED** that the Plaintiffs shall serve YRC with a copy of Plaintiffs’ Motion to Compel and a copy of this Order on or before **March 5, 2018**. Certification of such service shall be filed in the record.

**IT IS FURTHER ORDERED** that YRC shall file a response to Plaintiffs' Motion to Compel within **21 days** of the date of service of the Motion.

**IT IS FURTHER ORDERED** that the deadline for Plaintiffs to conduct additional discovery on the issue of determining who performed work on the subject Volvo as discussed in the district judge's Order (R. Doc. 25) is **STAYED**.

**IT IS FURTHER ORDERED** that the telephone status conference set for **March 8, 2018 at 3:15 p.m.** is **CANCELLED**.

**IT IS FURTHER ORDERED** that **ORAL ARGUMENT** is set on Plaintiffs' Motion to Compel YRC on **March 28, 2018 at 1:30 p.m.** The parties shall also be prepared to participate in a status conference following oral argument.

Signed in Baton Rouge, Louisiana, on February 26, 2018.



---

**RICHARD L. BOURGEOIS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**