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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

AARON SARNACKI, Derivatively on Behalf of Smith & Wesson Holding Corp., Plaintiff, v. MICHAEL F. GOLDEN, et al., Defendants, and SMITH & WESSON HOLDING CORP., Nominal Defendant.	Civil Action No. 3:11-cv-30009-MAP

DEFENDANTS' MOTION TO QUASH PLAINTIFF'S NOTICE OF SUBPOENA TO SPECIAL LITIGATION COMMITTEE COUNSEL AND FOR A PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 45(c)(3)(A) and 26(c), Defendants move to quash Plaintiff's Notice of Subpoena to John P. Pucci, Esq. to Testify at a Deposition and Produce Documents ("Subpoena") and request that this Court issue a protective order precluding the deposition of Mr. Pucci. The Subpoena improperly ignores this Court's prior Orders as they pertain to the scope of limited discovery under *Zapata Corp. v. Maldonado,* 430 A.2d 779 (Del. 1981), and its progeny. For the reasons set forth in their supporting memorandum of law, Defendants respectfully request that the Court quash Plaintiff's Subpoena to Mr. Pucci and grant Defendants' request for a protective order.

ALLOWED. Plaintiffs have offered no compelling reason to justify a deposition of Special Litigation Counsel. Their arguments exaggerate the importance of his potential testimony on the relatively narrow issue before the court. So ordered.
Michael A. Ponsor USDJ 5.15.13

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