

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AZA POOLED REAL ESTATE, LLC,
a Michigan limited liability company,

Plaintiff,

CIVIL ACTION 12-10980

v.

DISTRICT JUDGE NANCY G. EDMUNDS

MAGISTRATE JUDGE MARK A. RANDON

KAPAA DEVELOPMENT ASSOCIATES, II,
LLC, a Hawaii limited liability company;
LAURENCE H. SMITH; MITCHELL T. HELLER,
and PATRICIA MEADOWS,

Defendants.

ORDER GRANTING IN PART DEFENDANT'S MOTION
FOR A PROTECTIVE ORDER REGARDING
SUBPOENAS DUCES TECUM TO JEAN ARTMAN AND THOMAS SKROK
(DKT. NO. 36)

On November 2, 2012, Plaintiff issued subpoenas for the production of documents to non-parties Jean Artman (“Artman”) and Thomas Skrok (“Skrok”). This matter is before the Court on Defendants’ Motion for a Protective Order Regarding those Subpoenas (Dkt. No. 36). Plaintiff responded on December 5, 2012 (Dkt. No. 41). Defendants filed a Reply on December 12, 2012 (Dkt. No. 43). Oral argument was heard on January 10, 2013.

Fed. R. Civ. P. 26(c)(1)(A) allows the Court to forbid discovery that will cause annoyance, embarrassment, oppression, or undue burden or expense. Accordingly, Defendants’ motion is **GRANTED IN PART**. Artman or Skrok must produce the following:

- (1) all federal and state tax returns (and any amendments) for Laurence H. Smith (“Smith”)

or Mitchell T. Heller (“Heller”) for the 2008 tax year only.

- (2) all electronic QuickBooks records, agreements, balance sheets, profit and loss statements, cash flow analyses, account statements, investor material, general ledgers, and federal and state tax returns (and any amendments) relating to Kapaa Development Associates, LLC (“Kapaa I”) and Kapaa Development Associates II (“Kapaa II”) from 2006-2009.
- (3) all documents relating to the Coconut Plantation Village, LLC (“Coconut Village”) from 2006-2009.
- (4) all documents or electronic records relating to Kapaa I, Kapaa II, and Coconut Village that were provided to Artman from 2006-2009.
- (5) all documents or electronic records relating to Kapaa I, Kapaa II, and Coconut Village that were provided to Skrok from 2006-2009.
- (6) all bank account statements for bank accounts held by Smith or Heller from August 1, 2008 to September 30, 2008.
- (7) all bank account statements for accounts held by Kappa I or Kapaa II from July 1, 2008 to December 31, 2009.
- (8) all loan agreements with Franklin Bank or its successors regarding the Lakeside Drive property (e.g., home equity line of credit, mortgage refinance, etc.), and all loans where the Lakeside Drive property was used as a security interest from July 1, 2008 to December 31, 2009.
- (9) all written or electronic communications between Artman and any of the Defendants relating to Kapaa I, Kapaa II, and/or Coconut Village from January 2007 to January 2009.
- (10) all written or electronic communications between Skrok and any of the Defendants relating to Kappa I, Kapaa II, and/or Coconut Village from January 2007 to January 2009.
- (11) all e-mails sent to, or received from, the email account smithpc50@juno.com from January 2007 to January 2009 relating to Kapaa I, Kapaa II, and/or Coconut Village.

- (12) all electronic communications between Artman and Smith on any "Juno" email accounts from January 2007 to January 2009 relating to Kapaa I, Kapaa II, and/or Coconut Village.

Neither Artman nor Skrok need to produce any documents to identify any safe deposit box that Artman rents, leases, or otherwise shares with Smith.

The parties must draft and file a Stipulated Protective Order on or before **January 15, 2013**. Until the protective order is in place, neither Artman nor Skrok need to produce the above specified documentation. After the protective order is filed, they have 30 days to produce the documentation.

IT IS ORDERED.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: January 11, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 11, 2013, electronically.

s/Melody R. Miles

Case Manager to Magistrate Judge Mark A. Randon

(313) 234-5542

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