

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Desmond White,

Plaintiff,

Case No. 16-12547

v.

Judith E. Levy

United States District Judge

Wayne County Election
Commission,

Mag. Judge Mona K. Majzoub

Defendant,

v.

Michael Edward Duggan,

Intervenor.

_____ /

**ORDER GRANTING DEFENDANT'S MOTION TO QUASH, AND
DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION TO
COMPEL [57, 58]**

On September 27, 2016, the Court held a telephonic conference at which it scheduled a hearing on plaintiff's motion for a preliminary injunction and defendant's motion to dismiss. (See Dkt. 35.) On October 20, 2016, the Court also granted in part plaintiff's motion to compel, permitting plaintiff to subpoena two members of the Wayne County Election Commission, Judge Freddie G. Burton Jr. and County Treasurer

Eric Sabree. (Dkt. 52.) On November 16, 2016, defendant filed a motion to quash the subpoenas issued to Judge Burton and Mr. Sabree. (Dkt. 57.) In response, plaintiff filed a motion to compel the testimony of these two witnesses. (Dkt. 58.)

The Court has considered the motions submitted by the parties. Accordingly, the Court will GRANT defendant's motion to quash, and will DENY WITHOUT PREJUDICE plaintiff's motion to compel. The Court will hear argument on the motions for a preliminary injunction and motions to dismiss on November 18, 2016. At this time, the Court will also entertain further argument regarding whether it should compel the testimony of Judge Burton and Mr. Sabree, and will determine whether to continue the hearing on another date if the Court determines the testimony of one or both witnesses is necessary, relevant, or helpful to the Court in deciding plaintiff's motion for a preliminary injunction.

IT IS SO ORDERED.

Dated: November 16, 2016
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 16, 2016.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager