

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MATTHEW THEISEN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:13CV32 CDP
)	
STODDARD COUNTY, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

Plaintiffs' counsel has filed an *ex parte* motion asking me to order a non-party to the case to produce documents. Because counsel filed the document *ex parte*, no other counsel to this action have received notice of it. There is no indication that plaintiffs' counsel has provided notice of this motion to the non-party. There is no indication that a subpoena has been served on the non-party or that I have any legal basis whatsoever for ordering someone who is not part of this case to do anything.

This violates so many rules and ethical standards that I do not know where to begin. I will summarily deny the motion and will order the clerk to remove it from under seal. I will order plaintiff's counsel to provide a copy of it to defendants' counsel and to provide a copy of the motion and this order to the non-party. **No one needs to respond to the motion, as it is being summarily denied.**


Finally, although the time for plaintiff to respond to defendant's motion to vacate the referral to ADR has not yet run, I will go ahead and grant that motion, as this latest filing convinces me that any attempt at mediation would be unsuccessful.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Ex Parte Motion [#141] is summarily denied.

IT IS FURTHER ORDERED that the Clerk of Court shall place docket # 141 in the open court file as there was no valid basis for filing it either under seal or *ex parte*.

IT IS FURTHER ORDERED that defendants' motion to vacate the referral to ADR is granted.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 27th day of January, 2016.