

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

ALBERTO ESPINOLA, an individual, )  
)  
Plaintiff, )  
)  
v. )  
)  
INGERSOLL RAND COMPANY, )  
JAMES WARDLAW, GORDON )  
SHAW, JIM KINGSLEY, CAROL )  
BLOOMFIELD, AND SARAH )  
GREENWOOD, )  
)  
Defendants. )

No. 4:09cv02090-HEA

**ORDER**

This matter is before the Court on Plaintiff Alberto Espinola’s Motion for Subpoena for Trial Witness William J. Thompson<sup>1</sup> [ECF No. 121]. On January 3, 2012, the Court granted Plaintiff Espinola’s request subject to Defendants’ objections. Defendants object and contend that Plaintiff’s reliance on 28 U.S.C. § 1915 and/or Local Rule 2.06(c) is misplaced because Plaintiff never sought or received leave from the Court to proceed in forma pauperis in accordance with Local Rule 3-2.05. Defendants’ argument is well taken. As such, the Court will

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<sup>1</sup> Both parties refer to Mr. Thompson as both “William” and “Michael” J. Thompson. To avoid any further confusion, the Court will refer to Mr. Thompson as “Thompson.”

grant Plaintiff's request for a subpoena; however, Plaintiff will be responsible for the costs associated with service and issuance of the subpoena. Furthermore, Defendants must be provided an opportunity, immediately preceding the trial, to depose Thompson.

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Subpoena for Trial Witness Thompson is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff will be responsible for the costs associated with service and issuance of the subpoena.

**IT IS FURTHER ORDERED** that Defendants must be provided an opportunity, immediately preceding the trial, to depose Thompson.

Dated this 8th day of February, 2012.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE