

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                            |            |                           |
|----------------------------|------------|---------------------------|
| BANC OF AMERICA INVESTMENT | )          |                           |
| SERVICES INC.,             | )          |                           |
|                            | )          |                           |
|                            | Plaintiff, |                           |
| vs.                        | )          | Case No. 06-0714-CV-W-FJG |
|                            | )          |                           |
| BART AARON MARTIN,         | )          |                           |
|                            | )          |                           |
|                            | Defendant. |                           |
|                            | )          |                           |

**ORDER**

Pending before the Court is Defendant's Motion to Quash Plaintiff's Premature Subpoenas *Duces Tecum* to Non-Parties, and Suggestions in Support (Doc. No. 24). Plaintiff has recently filed two subpoenas *duces tecum* directed to non-parties Terrence Wilson (Doc. No. 16, executed on September 11, 2006, and entered on ECF on September 13, 2006) and UBS Financial Services, Inc. (Doc. No. 17, executed on September 11, 2006, and entered on ECF on September 13, 2006). Each subpoena *duces tecum* directs the non-parties to produce various documents by Friday, September 15, 2006, at 10:00 a.m. As he did in his previous motion to quash (Doc. No. 19), defendant objects to these subpoenas *duces tecum* as premature under Rule 26(d).

The Court finds defendant's objections to be persuasive. As plaintiff has requested compliance with these subpoenas by 10:00 a.m. today, the Court finds that it should preliminarily **GRANT** defendant's motion to quash. If plaintiff desires to obtain the information sought in its subpoenas *duces tecum* directed to the non-parties prior to the parties' Rule 26 conference, plaintiff may re-visit this issue with the Court during the

preliminary injunction hearing on Monday, September 18, 2006.

**IT IS SO ORDERED.**

Dated: September 15, 2006  
Kansas City, Missouri

/s/Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge