

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

VICTORY PROCESSING, LLC, and
DAVE DISHAW,

Plaintiffs,

vs.

TIM FOX, in his official capacity as
Attorney General for the State of
Montana,

Defendant.

CV 17-27-H-CCL

ORDER

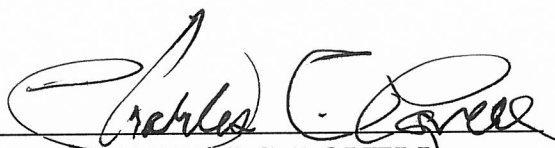
Before the Court is Plaintiffs' Motion to Quash and Request for Hearing, which was filed yesterday afternoon. On October 6, 2020, the Court set a hearing on Plaintiffs' Application for Attorneys' Fees and Expenses. Fourteen days later, on October 20, 2020, Defendant filed four subpoenas, each directed to an attorney in the Bruning Law Firm who billed hours to Plaintiffs in connection with this case. According to Plaintiffs, these attorneys are non-parties who reside more than 100 miles from Helena, where the hearing is to take place on October 27, 2020. Plaintiffs' failure to contact Defendant to determine his position on the motion, as required by LR 7.1(c)(1), is somewhat understandable, given the urgency in having this issue decided before next week's hearing.

This morning, Plaintiffs filed a notice stating that Blake Johnson, one of the subpoenaed witnesses, intends to appear in person before the Court at the October 27, 2020, hearing. One other subpoenaed attorney, Paul A. Lembrick, can be available in person and the other subpoenaed attorneys, Jon C. Bruning and Katherine J. Spohn, can be available by video-conference to answer any questions the Court may have. Unfortunately, this hearing is set in a courtroom where video-conferencing is not available.

Based on the information provided in Plaintiffs' motion and brief,

IT IS HEREBY ORDERED that Plaintiffs' motion to quash (Doc. 72) is GRANTED. To the extent that Plaintiffs believe that in-person testimony from any of the subpoenaed witnesses will aid the Court, they are free to make those witnesses available on October 27, 2020.

Dated this 22nd day of October, 2020.


CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE