

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROSEMARY GARITY,
Plaintiff,

vs.

APWU-AFL-CIO,
APWU LOCAL #7156,
Defendant.

Case No. 2:11-cv-01109-PMP-CWH

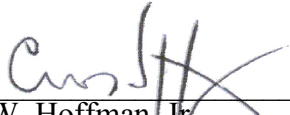
ORDER

This matter is before the Court on Plaintiff's Motion to Compel (#89), filed September 7, 2012.

Plaintiff seeks an order compelling non-parties Al Weyen and Don Buttle to comply with Rule 45 subpoenas. When a non-party subpoena recipient serves objections or fails to respond to a Rule 45 subpoena, the party serving the subpoena may file a motion to compel compliance. The moving party must provide notice of the motion to the person subject to the subpoena. *See* Fed. R. Civ. P. 45(c)(2)(B)(i). There is no indication in Plaintiff's moving papers that notice of this motion was served on the individuals subject to the subpoenas at issues. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Plaintiff's Motion to Compel (#89) is **denied without prejudice**.

DATED this 24th day of October, 2012.



C.W. Hoffman, Jr.
United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28