

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**

APRIL ADEMILUYI,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID LEE PHILLIPS,)
)
 Defendant.)

Case No. 2:14-cv-00507-MMD-CWH
ORDER

This matter is before the Court on Plaintiff’s Motion for Clarification (#67), filed on June 30, 2014. Plaintiff requests that the Court clarify its Order #65, which granted in part and denied in part Defendant’s Motion to Quash AT&T Subpoena #60 and denied Defendant’s Motion to Quash Cox Communications, Inc. Subpoena #52. Plaintiff seeks clarification as to how the Court addressed the text message section of the AT&T subpoena and the timing of when AT&T was to be notified to release the records. Further, the Court received a phone call from Plaintiff representing that Defendant has told AT&T to release the records, but that AT&T did not understand the Court’s Order #65. In addition, the Court received a phone call from the AT&T Legal Department expressing the need for clarification. Therefore, the Court will clarify its June 24, 2014 Order regarding the AT&T subpoena at issue in Defendant’s Motion to Quash #60. To the extent that Plaintiff seeks clarification of the terms of the stipulated protective order that shall be filed by July 8, 2014, the Court will deny that request as premature.

On June 24, 2014, the Court granted in part and denied in part Defendant’s Motion to Quash #60. The only part of the Motion to Quash #60 that the Court granted was to order that AT&T shall not provide “content including text message content” to Plaintiff. The Court found that the telephone call details and text message details - including date, time, location, and phone number - were relevant and not subject to the attorney-client privilege, and therefore, shall be

1 provided by AT&T to Plaintiff.

2 Based on the foregoing and good cause appearing therefore,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Clarification (#67) is **granted in**
4 **part and denied in part.**

5 **IT IS FURTHER ORDERED** that Plaintiff shall serve a copy of this Order on AT&T
6 Legal Department, Attention: Paula Phillips, by fax at 832-213-0232.

7 **IT IS FURTHER ORDERED** that Plaintiff shall file a certificate of service to verify that
8 she served a copy of this order on the AT&T Legal Department as directed.

9 DATED this 2nd day of July, 2014.

10
11 
12 **C.W. Hoffman, Jr.**
13 **United States Magistrate Judge**