

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00024-MR-WCM

FRANKENMUTH MUTUAL)
INSURANCE COMPANY,)
Plaintiff,)
vs.)
NATIONAL BRIDGE BUILDERS,)
LLC,)
Defendant.)

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion to Quash Trial Subpoena to Joseph Ruch [Doc. 182].

The Plaintiff Frankenmuth Mutual Insurance Company (“Frankenmuth”) moves to quash the subpoena that the Defendant National Bridge Builders, LLC (“National Bridge”) delivered to the residence of Joseph Ruch on February 24, 2024. [Doc. 182]. National Bridge opposes Frankenmuth’s motion to quash. [Doc. 191].

A subpoena may command a person to attend a trial:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

- (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

Fed. R. Civ. P. 45(c)(1). The Court must quash or modify a subpoena that “requires a person to comply beyond the geographical limits specified in Rule 45(c).” Fed. R. Civ P. 45(d)(3)(ii).

Here, Mr. Ruch is employed as Frankenmuth’s Vice President of Surety. [Doc. 182-2: Ruch Decl. at ¶ 1]. Frankenmuth is a Michigan corporation, and its principal place of business is located in Frankenmuth, Michigan. [Id. at ¶ 2]. Mr. Ruch resides in Rydal, Pennsylvania and works remotely from his personal residence, which is more than 350 miles from this Court. [Id. at ¶ 3].

As explained in his Declaration, Mr. Ruch neither regularly transacts business in person within 100 miles of this Court nor regularly transacts business in person in North Carolina. [Id. at ¶ 4]. Until it began subletting the office space to another tenant in May 2023, Frankenmuth had a satellite office in Charlotte, North Carolina. [Id. at ¶ 5]. However, Mr. Ruch’s job duties did not regularly require him to transact business in person in that

office. [Id.]. Instead, Mr. Ruch's prior trips to that office and/or to North Carolina for transacting business in person have been irregular, infrequent, uncommon, and sporadic. [Id.]. In fact, Mr. Ruch has not transacted any business in person in North Carolina or within 100 miles of this Court since May 2023, and he currently has no plans or intentions of transacting any business in person in North Carolina or within 100 miles of this Court in the foreseeable future. [Id. at ¶ 6].

As Mr. Ruch neither (1) regularly transacts business in person within 100 miles of the Court nor (2) regularly transacts business in person in North Carolina, National Bridge's subpoena exceeds the geographical limits specified in Rule 45(c)(1). Accordingly, the Court will quash the subpoena pursuant to Rule 45(d)(3).

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Quash Trial Subpoena to Joseph Ruch [Doc. 182] is **GRANTED**, and Joseph Ruch is hereby released from his subpoena and shall not be required to appear at the trial of this matter.

IT IS SO ORDERED.

Signed: March 11, 2024



Martin Reidinger
Chief United States District Judge

