

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-MC-129-RLV-DCK**

CLAUDIA HERNANDEZ and)	
PRODUCTOS ZAPATOL CORP.,)	
)	
Petitioners,)	
)	
v.)	
)	
PROMEX, LLC and YOLANDA EUSTAQUIO,)	
)	
Respondents.)	
<hr style="width: 50%; margin-left: 0;"/>)	

ORDER

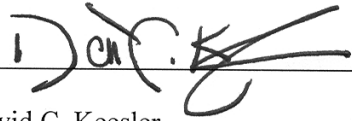
THIS MATTER IS BEFORE THE COURT on Petitioners’ “Claudia Hernandez And Productos Zapotol Corp.’s Motion To Quash Subpoena To Produce Documents, Information Or Objects” (Document No. 1) filed October 7, 2010. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b) and immediate review is appropriate. Having carefully considered the motion, the record, and the applicable authority, the undersigned will deny the motion as moot.

The pending motion seeks to quash a subpoena served on Petitioners on or about September 7, 2010, seeking the production of documents and/or information at 10:00AM on October 8, 2010. Petitioners contend *inter alia* that the subpoena failed to designate what was to be produced as is required by Fed.R.Civ.P. 45 (a)(1)(A)(iii). In short, the deadline for production has passed and Petitioners were purportedly unable to provide the requested production because they did not know what was sought by Respondents. It appears that Petitioners failed to confer with opposing counsel pursuant to Local Rule 7.1(B) prior to filing the instant motion.

Under these circumstances, the pending motion will be denied as moot, without prejudice to the movants to re-file if necessary.

IT IS, THEREFORE, ORDERED that Petitioners' "Claudia Hernandez And Productos Zapotol Corp.'s Motion To Quash Subpoena To Produce Documents, Information Or Objects" (Document No. 1) is **DENIED AS MOOT**.

Signed: October 12, 2010



David C. Keesler
United States Magistrate Judge

