

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-009-RJC-DCK**

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| RONALD W. MCMANUS in his capacity as |) | |
| TRUSTEE OF THE RONALD W. |) | |
| MCMANUS FAMILY TRUST, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| GMRI, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER

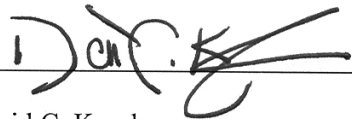
THIS MATTER IS BEFORE THE COURT on Plaintiff’s “Motion For Order On Subpoena Or, In the Alternative, Motion To Quash” (Document No. 20) filed May 20, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

The instant motion seeks an order from the Court finding that a subpoena (Document No. 19) issued on July 9, 2012, commanding production of certain documents on July 20, 2012 at 10:00 a.m., is invalid, or in the alternative, quashing the subpoena. (Document No. 20).

As an initial matter, the undersigned finds that Plaintiff’s motion has failed to satisfy the requirement of consultation of Local Rule 7.1 (B). The undersigned observes that this dispute might be resolved by the parties without Court intervention, once they have properly conferred. In addition, the motion appears untimely to the extent it seeks relief related to a deadline of 10:00 a.m. on July 20, 2012, but was not filed until that deadline had passed.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Order On Subpoena Or, In the Alternative, Motion To Quash" (Document No. 20) is **DENIED WITHOUT PREJUDICE**.

Signed: July 20, 2012



David C. Keesler
United States Magistrate Judge

