

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:14-MC-00011-FDW-DSC**

**IN RE SUBPOENA ISSUED TO WALK- )  
ON PRODUCTS, INC. )  
 )  
 in )  
 )  
**IN REPOLYURETHANE FOAM )  
ANTITRUST LITIGATION )  
 )  
MDL Docket No. 2196 )  
Index No. 10-MD-2196 (JZ) )  
 )****

---

**ORDER**

**THIS MATTER** is before the Court on Plaintiff’s “Motion to Quash Subpoena” (document #1) filed on February 13, 2014, as well as the parties’ briefs and exhibits.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

The parties represent that they have reached a compromise as to most of their dispute and that the only remaining issue is whether “Walk-On [should be required] to testify regarding the company’s sales and raw material purchases and to produce transactional documents pursuant to the Defendants’ compromise offer.” Defendant Hickory Springs Manufacturing Company’s “Memorandum ... in Opposition ...” at 2 (document #6).

Walk-On credibly represents that it “has already produced summary information that reflects how much it charged customers for rebond foam in the latter half of 2005 and of 2010, and its aggregate costs in purchasing scrap foam during these periods.” Document #7 at 6. For

this reason, as well as the other reasons stated in Walk-On's Reply Memorandum, the Court concludes that Walk-On need not produce any further information or testify beyond what it has agreed with Defendants. Accordingly, Walk-On's Motion to Quash is granted.

The parties shall bear their own costs at this time.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: 3/26/2014



David S. Cayer  
United States Magistrate Judge

