

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

Atlantic Pinstriping, LLC, and	)	Case No.: 3:16-CV-547-GCM
Michael Montemurro,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Atlantic Pinstriping Triad, LLC,	)	<b>ORDER</b>
Atlantic Dealer Services Coastal, LLC,	)	
Tony Horne,	)	
William E. Horne, and	)	
Jerry W. Parker,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court upon Plaintiff Atlantic Pinstriping, LLC’s Motion to Compel Compliance with Subpoena. Atlantic requests that the Court compel third parties Fineline Pinstriping, LLC (“Fineline”) and Alan Rosenberg to comply with the third-party subpoena issued by the arbitrator in the underlying arbitration and served on them by Atlantic.

The Court has read the briefs and reviewed the submissions of the parties. The Court finds that the arbitrator was authorized to issue the third-party subpoenas under N.C. Gen. Stat. § 1-569.17(d). In any event, Plaintiff has made a sufficient showing of special need and hardship because the information it seeks is otherwise unavailable. *See COMSTAT Corp. v. Nat’l Sci. Found.*, 190 F.3d 269, 278 (4th Cir. 1999).

IT IS THEREFORE ORDERED that the Motion to Compel Compliance with Subpoena is hereby GRANTED, and Fineline Pinstriping, LLC and Alan Rosenberg are hereby directed to produce all responsive documents no later than seven days from entry of this Order and to sit for a deposition no later than 14 days from entry of this Order; and

IT IS FURTHER ORDERED that Atlantic shall submit a declaration setting forth the attorneys' fees and costs incurred in connection with this motion.

Signed: November 29, 2017

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

