

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:20-MC-141-MOC-DCK**

<b>DUSTIN ZIMMERMAN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PHILIPS NORTH AMERICA LLC, ET AL.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**ORDER**

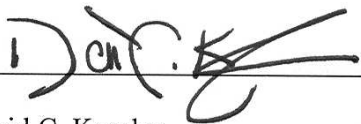
**THIS MATTER IS BEFORE THE COURT** on Petitioner’s “Motion To Quash Subpoena Served On Non-Party Dustin Zimmerman Or, In The Alternative, Motion For Modification/Protective Order” (Document No. 1) filed September 8, 2020. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, Petitioner sought to quash a subpoena regarding discovery demands related to a case pending in the United States District Court for the Southern District of Florida, Philips North America, LLC v. 626 Holdings, Inc., 9:19-CV-81263-RS. This Court was unable to promptly address Petitioner’s motion. Since then, discovery in the Florida case has been completed and a trial is scheduled for May 4, 2021. In addition, Petitioner’s counsel has reported to the undersigned’s staff that Mr. Zimmerman is no longer listed as a potential witness in the Florida case and that they now believe the pending motion is moot.

**IT IS, THEREFORE, ORDERED** that Petitioner’s “Motion To Quash Subpoena Served On Non-Party Dustin Zimmerman Or, In The Alternative, Motion For Modification/Protective Order” (Document No. 1) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: March 31, 2021

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

