

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DWS INTERNATIONAL, INC.,
dba Marble Dimensions Worldwide, Inc.,

Plaintiff,

:

Case No. 3:09-cv-458

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

MEIXIA ARTS AND HANDICRAFTS
CO., LTD, et al.,

Defendants.

DECISION AND ORDER ON REQUESTS FOR SUBPOENAS

This case is before the Court on a request made by Defendant Thomas Sudyk to the Clerk to issue five subpoenas (Doc. No. 94).

The subpoena for Pride Family Brands (PageID 1264)¹ is captioned in the United States District Court for the Southern District of Florida and purports to order that entity to produce documents in Rockford, Michigan. The subpoena seeks documents in a referenced Exhibit A which, although said to be attached, is not.

The subpoena for Brown Jordan International (PageID 1265) is captioned in the United States District Court for the Middle District of Florida and purports to order that entity to produce documents in Rockford, Michigan. The subpoena seeks documents in a referenced Exhibit A which, although said to be attached, is not.

¹Effective with the installation of version 4.1.1 of the software, the Court’s CM/ECF system automatically affixes a distinctive page number (shown in the upper right-hand corner as PageID) to each page of each filed document.

The subpoena for Meadowcraft Furniture (PageID 1266) is captioned in the United States District Court for the Northern District of Alabama and purports to order that entity to produce documents in Rockford, Michigan. The subpoena seeks documents in a referenced Exhibit A which, although said to be attached, is not.

The subpoena for Jerry Lee & Me-Ow, LLC (PageID 1267) is captioned in the United States District Court for the Northern District of Georgia and purports to order that entity to produce documents in Rockford, Michigan. The subpoena seeks documents in a referenced Exhibit A which, although said to be attached, is not.

The subpoena for Minson Corporation (PageID 1268) is captioned in the United States District Court for the Central District of California and purports to order that entity to produce documents in Rockford, Michigan. The subpoena seeks documents in a referenced Exhibit A which, although said to be attached, is not.

The Clerk is ORDERED not to issue any of these subpoenas for the following reasons:

1. All of them fail to describe the documents to be produced.
2. The Clerk of this Court has no power to issue subpoenas on behalf of any of the five courts listed on the subpoenas.
3. The subpoenas purport to require production of documents at a place beyond the jurisdiction of the purported issuing courts to command such production.

Future requests to the Clerk for action in this case must be made by way of motion so that the docket is complete. Defendant Sudyk is reminded of the provisions of Fed. R. Civ. P. 45(b) requiring notice to all parties before service of any subpoena commanding production of documents.
August 16, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge