

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STEVE A. PRICE, et al.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13-CV-514-GKF-FHM
)	
PUBLIC SERVICE COMPANY OF)	
OKLAHOMA, an Oklahoma)	
Corporation,)	
)	
Defendant.)	

OPINION AND ORDER

Defendant’s Motion for Protective Order as to Subpoena Duces Tecum Served Upon IBEW Local 1002, [Dkt. #60], is before the court for decision. Plaintiff filed a Response, [Dkt. #64], and Defendant filed a Reply, [Dkt. 71].

Defendant seeks an order forbidding and/or limiting the discovery which Plaintiff initiated by issuing a subpoena to a non-party. Defendant contends that the subpoena requires the production of information that is not relevant to this case. Plaintiff responds that the non-party does not object to complying with the subpoena; that Defendant does not have standing to object to a subpoena to a non-party; and that in any event, the information subpoenaed is relevant to the case.

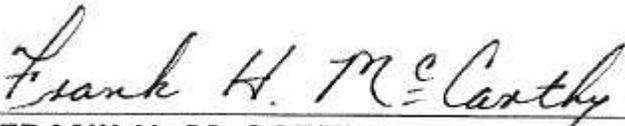
Generally, a party does not have standing to object to a subpoena to a non-party. *Howard v. Segway, Inc.*, 2012 WL 2923230 (N.D. Okla. 2012). There is an exception if the party claims a personal right or privilege in the information, but Defendant does not claim the exception applies in this case. Instead, Defendant seeks to avoid the general rule by basing its motion on Fed.R.Civ.P. 26(c)(1).

Rule 26(c)(1) permits the court to issue a protective order upon a showing of good cause to protect a party from annoyance, embarrassment, oppression, or undue burden or expense. Defendant has not articulated how any of these basis for a protective order apply to the subpoena in this case.

The court is persuaded by Plaintiff's arguments that the subpoena seeks information relevant to the claims and defenses in the case for discovery purposes. Prior to the policy change in the Tulsa area all of the areas in the state had the same policy. Communications and information about the other areas may lead to admissible evidence concerning the Tulsa area. Accordingly, to the extent some showing of relevancy is required, that showing has been made.

Defendant's Motion for Protective Order as to Subpoena Duces Tecum Served Upon IBEW Local 1002, [Dkt. #60], is DENIED.

SO ORDERED this 8th day of July, 2014.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE