

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 In the Matter of Subpoena to  
9 RYLANDER & ASSOCIATES P.C.,  
10 Nonparty Deponent  
11 MILLER MENDEL, INC, et al.,  
12 Plaintiffs,  
13 v.  
14 CITY OF OKLAHOMA CITY,  
15 Defendant.

CASE NO. CV19-5031 BHS  
ORDER TRANSFERRING  
MATTER

16 This matter comes before the Court on Plaintiff Miller Mendel, Inc. and Tyler  
17 Miller (“Plaintiffs”) and Plaintiffs’ attorneys, Rylander & Associates, P.C.’s (“Rylander”)  
18 (collectively “Movants”) motion to quash, Dkt. 5, the Court’s request for a joint status  
19 report, Dkt. 13, and the parties’ report, Dkt. 14.

20 On August 7, 2019, Movants filed the instant motion to quash a subpoena served  
21 by Defendant the City of Oklahoma (“City”). *Id.* The City obtained the subpoena from  
22 the United States District Court for the Western District of Oklahoma in the case of

1 *Miller Mendel, Inc. v. the City of Oklahoma*, C18-990. Dkt. 6-1 at 2. The City served the  
2 subpoena on August 5, 2019, requesting the production of documents on August 9, 2019.

3 *Id.* Movants argue that the Court should quash the subpoena because it violates the  
4 thirty-day period for responding to a subpoena. Dkt. 5. On August 19, 2019, the City  
5 responded and agreed to allow Rylander thirty days to respond to the subpoena. Dkt. 10  
6 at 2. On August 23, 2019, Movants replied. Dkt. 12.

7 On September 11, 2019, the Court requested the parties' positions regarding  
8 whether the Court should transfer this motion to the Oklahoma court pursuant to Fed. R.  
9 Civ. P. 45(f). Rule 45 allows transfer to the issued court for exceptional circumstance,  
10 which the Court finds exists because the City served the subpoena on counsel that has  
11 appeared in that case. In their status report, the parties agree that the Court should transfer  
12 the matter to Oklahoma. Therefore, the Clerk shall transfer this matter to the Western  
13 District of Oklahoma.

14 **IT IS SO ORDERED.**

15 Dated this 30th day of September, 2019.

16  
17 

18 BENJAMIN H. SETTLE  
19 United States District Judge  
20  
21  
22