

UNITED STATES DISTRICT COURT  
 DISTRICT OF SOUTH CAROLINA  
 ANDERSON DIVISION

Jeffrey Brook McCollum,	)	C/A No. 8:17-cv-01244-DCC
Hannah Whitfield McCollum,	)	
	)	
Plaintiffs,	)	
vs.	)	<b>ORDER</b>
	)	
Jacoby Trucking and Delivery, LLC,	)	
Foundation Xpress, LLC,	)	
John Does 1–10,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on a Motion to Reconsider the Court’ Order granting Plaintiff’s Motion to Quash Subpoena Duces Tecum and for Protective Order (“the Motion”) filed by Defendants Jacoby Trucking and Delivery, LLC, and Foundation Express, LLC, (“Defendants”). ECF No. 37. Plaintiffs filed a Response on Opposition to the Motion and Defendant filed a Reply. ECF Nos. 38, 39. The Court directed the parties to submit additional briefing addressing what relevant information Defendants are seeking in Plaintiff Jeffrey Brook McCollum’s employment records in light of the fact that Plaintiffs have stipulated that they are not seeking economic damages. ECF No. 41. Plaintiffs and Defendants have fully briefed this issue. For the reasons set forth below, the Motion is denied.

Plaintiffs’ claims arise out of an automobile accident on May 13, 2014, in Williamston, South Carolina. Plaintiffs allege causes of action for negligence, negligent supervision and training, and loss of consortium. ECF No. 1.

### Discussion

In its Order granting Plaintiff's Motion to Quash, the Court determined that Defendants had not made any showing that any relevant information in Plaintiff Jeffery Brook McCollum's employment records was being sought beyond the wage information. Given the stipulation by Plaintiffs regarding economic damages, the Court agreed with Plaintiffs that the requested information did not appear to be relevant nor did it appear to be reasonably calculated to lead to the discovery of any relevant evidence.

In their additional briefing in support of their Motion, Defendants contend that they are seeking Plaintiff Jeffrey Brook McCollum's employment records in order to verify his claims regarding his medical conditions and to assess his credibility. ECF No. 42 at 2-3, 5. While the Court makes no determination on Defendants' ability to fashion a sufficiently narrowly tailored subpoena after additional discovery, at this procedural posture, Defendants' have not shown that their request for the employment records is relevant or proportioned to the needs of this case. Accordingly, the Motion should be denied.

### Conclusion

For the foregoing reasons, Defendants' Motion to Reconsider the Court's Order granting Plaintiff's Motion to Quash Subpoena Duces Tecum and for Protective Order, ECF No. 37, is **DENIED.**

IT IS SO ORDERED

s/Donald C. Coggins, Jr.  
United States District Judge

February 12, 2018  
Spartanburg, South Carolina