

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LOUANGEL, INC.; dba LONGHORN	§	
STEAKHOUSE RESTAURANT, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:12-CV-00147
	§	
DARDEN RESTAURANTS, INC., <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER DENYING MOTION TO QUASH

Before the Court is “Defendants’ Motion to Quash and Objections to Louangel, Inc. d/b/a Longhorn Steakhouse’s Subpoena to Alston & Bird LLP” (D.E. 35). For the reasons set out below, the Motion is DENIED.

Defendants seek this Court’s order quashing or modifying a subpoena obtained by Plaintiffs requiring Defendants’ legal counsel in other cases to produce their legal files. Additionally, Defendants seek a protective order. Their complaints are that the subpoena does not provide reasonable time for compliance, the request is vague, overbroad, and unduly burdensome, and that the subject matter is privileged. The legal counsel at issue is the law firm of Alston & Bird (Alston) in Atlanta Georgia.

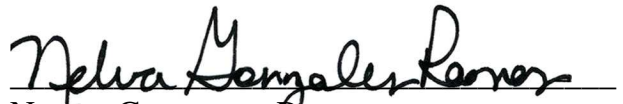
Alston is not a party to this case, so the production is to take place in Atlanta, Georgia. *See* Fed. R. Civ. P. 45(c)(3)(a). Thus, under Fed. R. Civ. P. 45(a)(2)(B), the subpoena must, and did, issue from the United States District Court for the Northern District of Georgia. D.E. 35-1. Plaintiffs respond that this Court is without jurisdiction

to quash or modify the Northern District of Georgia's subpoena. D.E. 37. The Court agrees.

Under Rule 45(c)(3), a motion to quash or modify is to be directed to the "issuing court." The Court finds that the Defendants' request that this Court determine the scope of the subpoena and issue a protective order to be equivalent to a request to quash or modify. The Court agrees with *Assoc. of Am. Physicians & Surgeons, Inc. v. Texas*, 2008 WL 2944671 (E.D. Tex. July 25, 2008) and *Pacific Century Int'l, Ltd. v. Does 1-30*, No. H-11-3035, 2011 WL 7443932 (S.D. Tex. November 16, 2011) that the Defendants' complaints must be directed to the Northern District of Georgia as the issuing court. Absent an order from the Northern District of Georgia transferring the matter to this Court, this Court declines to issue any relief with respect to that Court's subpoena. *See generally, Limon v. Berryco Barge Lines, L.L.C.*, 2009 WL 1347363 (S.D. Tex., May 19, 2009).

The Motion (D.E. 35) is DENIED.

ORDERED this 30th day of November, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE