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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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WATERTON POLYMER PRODUCTS  
USA, LLC; WATERTON POLYMER  
PRODUCTS, LTD.,

Plaintiffs,

v.

EDIZONE, LLC,

Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING MOTION TO QUASH

Case No. 2:12-CV-17 TS

District Judge Ted Stewart

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This matter is before the Court on a Motion to Quash filed by Barry McCann and Rex Haddock. For the reasons discussed below, the Court will deny the Motion.

Federal Rule of Civil Procedure 45(d)(3)(A)(iv) provides that “[o]n timely motion, the court for the district where compliance is required must quash or modify a subpoena that . . . subjects a person to undue burden.” The individual seeking to quash a subpoena carries the burden to show compliance with the subpoena would subject him to an undue burden.<sup>1</sup>

McCann and Haddock argue that the Court should quash the trial subpoenas issued by Defendant. McCann and Haddock argue that the information sought by Defendant has little relevance to this case, but is relevant to a state court action brought by Defendant in which McCann and Haddock have already been deposed. McCann and Haddock argue that Defendant is impermissibly seeking a second deposition and is wasting time and resources.

Considering the facts of this case, the Court finds that McCann and Haddock have failed to meet their burden. Based on the information that has been submitted to the Court, the Court

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<sup>1</sup> *EEOC v. Citicorp Diners Club, Inc.*, 985 F.2d 1036, 1040 (10th Cir. 1993).

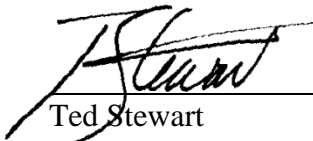
believes that McCann and Haddock have information that is relevant to both the determination of a reasonable royalty and to the Court's determination of whether a permanent injunction should issue. Therefore, the Court will deny the Motion. However, the Court warns Defendant that it should carefully limit the questioning of McCann and Haddock to those issues remaining in this case and not attempt to use this trial to procure information that may be useful in other proceedings.

It is therefore

ORDERED that the Motion to Quash (Docket No. 156) is DENIED.

DATED this 17th day of November, 2014.

BY THE COURT:



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Ted Stewart  
United States District Judge