

1 THE HONORABLE RICARDO S. MARTINEZ

2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 AMIGA, INC., a Delaware Corporation

10 Plaintiff,

11 v.

12 HYPERION VOF, a Belgian General
13 Partnership,

14 Defendant.

Case No. 07-0631 (RSM)

OBJECTIONS TO SUBPOENA

15
16 Pursuant to Federal Rule of Civil Procedure 45(c), Cairncross & Hempelmann PS
17 (“Cairncross”), a subpoenaed non-party witness, objects to Defendant’s Subpoena in a Civil
18 Action dated December 14, 2007 (the “Subpoena”), which was not served on Cairncross until
19 December 21, 2007, as follows:

20 **OBJECTIONS**

21 A. Cairncross objects to Defendant’s request in the Subpoena for inspection and
22 copying of “All documents, not privileged, related to Amiga, Inc., a Washington Corporation,
23 a/k/a Amino Development Corporation” on the grounds that the request is entirely non-specific
24 as to subject matter and will impose undue burden and expense on Cairncross in responding in
25 that Cairncross would be required to review for privilege and potential production all documents
26

OBJECTIONS TO SUBPOENA - 1

{00623635.PDF;1}

Cairncross & Hempelmann, P.S.

Law Offices

524 Second Avenue, Suite 500

Seattle, Washington 98104-2323

Phone: 206-587-0700 • Fax: 206-587-2308

1 and files in its possession custody or control relating in any way to its former client regarding
2 any subject matter without limitation, including Cairncross's own billing records.

3 B. Cairncross objects to Defendant's request in the Subpoena for inspection and
4 copying of documents in that it appears by its breadth and lack of specificity to be seeking
5 information that is neither relevant nor reasonably calculated to lead to the discovery of
6 admissible evidence.

7 C. Cairncross objects to Defendant's request in the Subpoena for inspection and
8 copying of documents in that it fails to allow reasonable time for compliance, particularly
9 because the subpoena was not served until Friday, December 21, 2007, just prior to one long
10 holiday weekend, and purports to require compliance just 14 days later, on Friday, January 4,
11 2008, just after a second long holiday weekend. Furthermore, the volume of materials that must
12 be reviewed, including for privilege and work product, will require substantial time to review.

13 D. Cairncross object to Defendant's request in the Subpoena for inspection and
14 copying of documents to the extent it seeks disclosure of documents or information that is
15 protected from disclosure by attorney-client privilege or the attorney work product doctrine. .

16 E. Cairncross objects to Defendant's request in the Subpoena for inspection and
17 copying of documents to the extent it purports to impose obligations that are broader than or
18 otherwise inconsistent with Cairncross's obligations under the Federal Rules of Civil Procedure
19 or the Local Civil Rules of this Court.

20 ///

21 ///

22 ///

CERTIFICATE OF SERVICE

I, Sue E. Den, certify under penalty of perjury of the laws of the State of Washington that, on December 28, 2007, I caused the document to which this is attached to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff and Counter Defendant Amiga Inc.

Alison B. Riddell (ariddell@reedsmith.com)
Jeffrey Michael Tamarin (jtamarin@reedsmith.com)
Kenneth Joe Philpot (kphilpot@reedsmith.com)
Lance Gotthoffer (lgotthoffer@reedsmith.com)
Lawrence Ronald Cock (lrc@cablelang.com)
Morgan W. Tovey (mtovey@reedsmith.com)
Scott D. Baker (sbaker@reedsmith.com)

Counsel for Defendant and Counter Claimant Hyperion VOF

William A. Kinsel (WAK@kinsellaw.com)

Counsel for Counter Defendant Itec LLC

Lawrence Ronald Cock (lrc@cablelang.com)

DATED this 28th day of December, 2007.

/s/ Sue E. Den

Sue E. Den, Legal Assistant