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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CEN COM, INC., a Washington Corporation  
doing business as American Digital Monitoring,  
  
Plaintiff,  
  
v.  
  
NUMEREX CORP., a Pennsylvania  
Corporation; NextAlarm, LLC, a Georgia  
Limited Liability Company; and DOES 1 – 10,  
  
Defendants.

Case No. C17-0560RSM  
  
ORDER DENYING PLAINTIFF’S  
MOTION TO COMPEL THIRD PARTY  
DISCOVERY

THIS MATTER comes before the Court on Plaintiff’s Motion to Compel Third Party Production Under FRCP 45 Subpoena. Dkt. #125 (filed under seal). Plaintiff seeks an Order compelling third-party Amcest to fully respond to the subpoena issued to it by Plaintiff. *Id.* Amcest has not responded to this motion nor has it filed any motion to quash. Defendants object to the motion as untimely and as filed in the improper venue. Dkt. #133. For the reasons discussed herein, the Court DENIES Plaintiff’s motion.

As an initial matter, the Court notes that Defendants lack standing to challenge the subpoena issued by Plaintiff as they do not claim any personal right or privilege with respect to the documents sought. *See* Dkt. #133; *see also* 9A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* §2459 (2d ed. 2007); *Transcor, Inc. v. Furney Charters, Inc.*, 212 F.R.D. 588, 590-91 (D. Kan. 2003) (finding that the defendant has a “personal right with respect to its bank account records at the subpoenaed banks, and this right gives it standing to move to quash the subpoenas”); *Cal. Sportfishing Prot. All. v. Chico Scrap Metal, Inc.*, 299

1 F.R.D. 638, 643 (E.D. Cal. 2014); *Chevron Corp. v. Donziger*, 2013 U.S. Dist. LEXIS 119622,  
2 2013 WL 4536808, at \*4 (N.D. Cal. Aug. 22, 2013) (“Conversely, ‘[a] party does not have  
3 standing to quash a subpoena on the basis that the non-party recipient of the subpoena would be  
4 subjected to an undue burden when the non-party has failed to object.’” (alteration in original)).  
5 Thus, this Court will disregard Defendants’ opposition.  
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7         However, the Court denies Plaintiff’s motion for its own reasons. First, the subpoena at  
8 issue fails to identify the Court from which it has issued as required by the Federal Rules of Civil  
9 Procedure. Fed. R. Civ. P. 45(a)(1)(A)(i). The subpoena issued by Plaintiff is blank where the  
10 Court name should have been inserted. Dkt. #126 (filed under seal), Ex. C. Second, the instant  
11 motion has not been made in the appropriate venue. Federal Rule of Civil Procedure 45 provides  
12 that “[a]t any time, on notice to the commanded person, the serving party may move the court  
13 for the district where compliance is required for an order compelling production or inspection.”  
14 Fed. R. Civ. P. 45(d)(2)(B)(i). The subpoena commands production of documents at a law office  
15 in Philadelphia, PA. Dkt. #126 (filed under seal), Ex. C. Plaintiff asserts that it commanded  
16 electronic production at its counsel’s office in Washington State, but points to no portion of the  
17 record that supports that assertion. *See* Dkt. #136 at 2-3. Philadelphia is located in the Eastern  
18 District of Pennsylvania. Therefore, this motion was required to be brought in the federal court  
19 in that District. For those reasons, Plaintiff’s Motion to Compel the production of records from  
20 Amcest (Dkt. #125) is DENIED.  
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23             DATED this 18 day of June, 2018.

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26 RICARDO S. MARTINEZ  
27 CHIEF UNITED STATES DISTRICT JUDGE