

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

FELMAN PRODUCTION, INC.,
a Delaware corporation,

Plaintiff,

V.

CIVIL ACTION NO. 3:09-0481

INDUSTRIAL RISK INSURERS, et al.,

Defendants.

ORDER


This matter comes before the Court on plaintiff's motion to compel document production from Engle Martin & Associates, Inc., a non-party, filed November 12, 2009, and on plaintiff's motion for clarification, filed December 17, 2009.

The subpoena involved in this dispute was issued out of the Northern District of Georgia and served on Engle Martin & Associates, Inc. in that district; however, as the court points out in In Re: Sealed Case, 141 F.3d 337, 341 (D.C. Cir. 1998), Rule 45 "offers no authorization" for enforcing subpoenas issued in other districts. Indeed, beyond disputes with regard to interpretations of Rule 45, issues with regard to personal jurisdiction arise when, as here, an attempt is made to enforce a subpoena issued out of a district court in another state. Id. Moreover, while some authority can be found for the proposition that an issuing district court may transfer disputes to the forum court, that has not happened here. Plaintiff's motion to compel will, accordingly, be denied, and it is so

ORDERED.

The Clerk is directed to transmit a copy of this Order to counsel for the parties, including the intervening plaintiff, and the non-party Engle Martin & Associates, Inc.

ENTER: December 22, 2009


MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE