

ELECTRONIC ENDORSEMENT ON DEFENSE COUNSEL'S MOTION TO QUASH SUBPOENA DUCES TECUM AND FOR PROTECTIVE ORDER, filed 8/9/16 (Dkt. #324) AND ON PLAINTIFF'S MOTION TO COMPEL, filed 8/30/16 (Dkt. #327) IN CADLE CO. V. OGALIN ET AL., 04 CV 1225 (JBA)

9/22/16 – This file is notable for the fact that although a jury verdict was reached in plaintiff's favor in late January 2007 (Dkt. #182) and judgment entered in late September 2007 (Dkts. ##233-34, 237), there has now been a remarkable nine years of post-judgment activity in this file (Dkts. ##241-42, 244-45, 247-328), familiarity with which is presumed.

Two motions presently are pending before the Court. First, on August 9, 2016, defense counsel filed his Motion to Quash Subpoena Duces Tecum and for a Protective Order (Dkt. #324),¹ as to which plaintiff filed its brief in opposition on August 30, 2016 (Dkt. #326).² Second, on August 30, 2016, plaintiff filed its Motion to Compel (Dkt. #327),³ as to which no timely brief in opposition has been filed. Both of these motions have been referred to this Magistrate Judge. (Dkts. ##325, 328).

The most efficient manner in which to proceed is for defense counsel to forward copies of documents responsive to the subpoena to this Magistrate Judge's Chambers, **on or before October 26, 2016**, for her in camera review, with an explanation of the payments, if not readily apparent from the documents. Production will be ordered only to the extent that such documents reflect payments other than the payment of legal bills or other than those payments ordered by the Court.⁴

Accordingly, defense counsel's Motion to Quash Subpoena Duces Tecum and for a Protective Order (Dkt. #324) and plaintiff's Motion to Compel (Dkt. #327) are granted in limited part to the extent that copies of the responsive documents shall be submitted to this Magistrate Judge's Chambers for her in camera review.

¹Attached as Exh. A is a copy of the subpoena, dated July 22, 2016, and of the Notice of Deposition, dated July 29, 2016.

²No reply brief was filed.

³Attached is another copy of the subpoena (Exh. A), a copy of defense counsel's objection, dated August 9, 2016 (Exh. B), and an affidavit of counsel, dated August 29, 2016 (Exh. C).

⁴The Magistrate Judge sincerely hopes that there are no additional post-judgment motions filed in 2017, which would bring the post-judgment phase of this lawsuit into a decade of activity.