

DEMAJ V. SAKAJ, 09 CV 255 (JGM)

9/4/12 – ELECTRONIC ORDER GRANTING IN PART AND DENYING IN PART RESPONDENT'S MOTION TO QUASH SUBPOENA, filed September 4, 2012 (Dkt. #156)

Counsel have known since June 8, 2012, some three months ago, that this trial would resume tomorrow, September 5, 2012. (Dkt. #124). Today, the day before trial, Petitioner served a subpoena upon Respondent, seeking copies of her last three bank statements, proof of rent (Lease) for her apartment, any and all state and federal tax returns, and proof of verified income for the last three months, such as pay stubs or deposited payroll checks. (Dkt. #156, Exh.). In her motion, Respondent asserts that she "works until late afternoon, by which time banks are closed[.]" (Dkt. #156, Brief at 2).

In light of the truly "eleventh hour" of this subpoena, which easily could have been avoided weeks ago, Respondent is only required to bring copies of the requested documents to the extent that she has the originals or copies within her immediate possession at her residence, and not within the possession of a financial institution or financial advisor, such as an accountant.

Thus, Respondent's Motion to Quash Subpoena (Dkt. #156) is granted in part and denied in part to the extent set forth above.