

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

SALLY S. HILKENE,

Plaintiff,

v.

Case No.: 04-2253-KHV-DJW

WD-40 COMPANY, et al.,

Defendant.

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's Motion to Quash Subpoenas to Prairie Capital Management and George K. Baum & Company (doc. 136). For the reasons stated below, the Court finds Plaintiff's motion moot.

The referenced subpoenas were issued by counsel for Defendant Scott Hilkene and seek to acquire documents related to Plaintiff's financial history. In response to these subpoenas, and pursuant to Fed. R. Civ. P. 45(c)(2)(B), non-parties Prairie Capital Management and George K. Baum & Company served and filed written objections to production of the information and documents requested in the subpoenas. Notably, the federal rules provide that if a timely written objection to a subpoena is served and filed, "the party serving the subpoena shall not be entitled to inspect and copy the materials."¹

Although "the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production,"² Defendant Hilkene has not so moved. Accordingly, the objections previously lodged by non-parties Prairie Capital Management

¹Fed. R. Civ. P. 45(c)(2)(B).

²*Id.*

and George K. Baum & Company remain valid and the Court finds there is no current obligation on behalf of these two non-parties to respond to the subpoenas.

In light of this conclusion, the Court finds Plaintiff's Motion to Quash Subpoenas (doc. 136) moot.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 25th day of July, 2006.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and *pro se* parties