

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

XPO LOGISTICS FREIGHT, INC.)	
f/k/a CON-WAY FREIGHT INC.,)	
a Delaware corporation,)	Case No. 16-mc-222-JWL-TJJ
)	
Movant,)	Relating to an action pending in
)	the United States District Court for the
v.)	Eastern District of Texas
)	Case No. 4:16-cv-00186-ALM
YRC, INC.,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

XPO Logistics Freight, Inc. (“XPO”) has filed a motion to compel non-party YRC, Inc. (“YRC”) to produce subpoenaed documents (the “Motion”), pursuant to Fed. R. Civ. P. 45(d). The subpoena duces tecum (the “Subpoena”) was issued out of a civil case filed in the Eastern District of Texas (the “Texas case”)¹ and required compliance in Kansas. YRC has filed a response and XPO has filed a reply to the Motion. The defendant in the Texas case, Scott Spindler (“Spindler”), has not taken a position in this case regarding the Subpoena.

The Motion has been extensively briefed by XPO and YRC. The Court has carefully reviewed the briefing on the Motion, the Subpoena, YRC’s objections to the requested documents, and the complaint and answer filed in the Texas case. This is one of four miscellaneous cases filed in the District of Kansas² in which XPO has filed a motion to compel compliance with a subpoena served upon YRC seeking sixteen categories of documents. The subpoenas served upon YRC in the other cases and its objection thereto are very similar to the

¹ *XPO Logistics Freight, Inc. v. Spindler*, Case No. 4:16-cv-00186-ALM (E.D. Tex.).

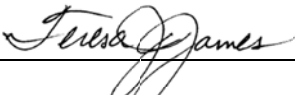
² The other miscellaneous cases are D. Kan. Case Nos. 16-mc-220-JAR-TJJ, 16-mc-221-JWL-TJJ, and 16-mc-224-CM-TJJ.

Subpoena and objections in this case. The Court previously entered Memoranda and Orders granting in part and denying in part XPO's motion to compel YRC to produce subpoenaed documents in D. Kan. Case Nos. 16-mc-220-JAR-TJJ and 16-mc-221-JWL-TJJ.³ The Court finds nothing material in the record in XPO's Texas case against Spindler that warrants a different ruling on XPO's Motion with respect to the YRC Subpoena Requests and objections at issue here.

IT IS THEREFORE ORDERED THAT Movant XPO's motion to compel Respondent YRC to produce subpoenaed documents (ECF No. 1) is granted in part and denied in part. The motion to compel is granted with respect to XPO's Subpoena Requests 1(b), 2, 4, 7, 9, 10, 12, and 13 and YRC is ordered to produce documents responsive to these Requests **within twenty-one (21) days of the date of this Order.** The motion to compel is denied with respect to XPO's Subpoena Requests 1(a), 3, 5, 6, 8, 11, 14, 15, and 16.

IT IS SO ORDERED.

Dated November 30, 2016 in Kansas City, Kansas.



Teresa J. James
U. S. Magistrate Judge

³ See Mem. & Order (ECF No. 12 in 16-mc-220-JAR-TJJ and ECF No. 14 in 16-mc-221-JWL-TJJ) for further explanation of the Court's rulings on the specific subpoena requests and objections at issue.