

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DR. DOUGLAS GORACKE,

Plaintiff,

v.

Case No. 17-2664-JAR

ATCHISON HOSPITAL ASSOCIATION,

Defendant.

ORDER

This matter comes before the court on plaintiff's motion to compel third-party Professional Renewal Center ("PRC") to fully respond to a subpoena served by plaintiff on February 28, 2018 (ECF No. 46). The motion is denied because it has been filed in the wrong court. Under Fed. R. Civ. P. 45(d)(2)(B)(i), a motion to compel compliance with a subpoena must be filed in "the district where compliance is required."¹ The subpoena

¹ *See also* Rule 45(d)(1) (court for the district where compliance is required must enforce the issuer's duty to take steps to avoid imposing undue burden); Rule 45(d)(3)(B) (court for the district where compliance is required may, on motion, quash or modify a subpoena in certain instances); Rule 45(e)(2)(B) (a party who receives information produced in response to a subpoena over which a claim of privilege is asserted may present the information under seal to the court for the district where compliance is required for a determination of the claim); Rule 45(g) (providing for a finding of contempt for failure to comply with a subpoena by the court for the district where compliance is required).

commands PRC to produce documents at the law office of Seyferth Blumenthal & Harris LLC in Kansas City, Missouri.² Because the place of compliance (i.e., Kansas City, Missouri) is not in the District of Kansas, this court cannot compel compliance with the subpoena or otherwise provide the relief requested by plaintiff. As such, the motion to compel compliance is denied without prejudice to refiling in the district where compliance is required.

IT IS SO ORDERED.

Dated June 25, 2018, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

² ECF No. 47-1 at 3.