

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MARK ENSMINGER, on behalf of himself  
and those similarly situated,

Plaintiff,

Case No. 19-2147-JWL

v.

CREDIT LAW CENTER, LLC, et al.,

Defendants.

**ORDER**

This matter comes before the court on the motion of Keith Williston to quash a subpoena served by Tabet DiVito & Rothstein, LLC (ECF No. 58). The motion is denied because it has been filed in the wrong court. Under Fed. R. Civ. P. 45(d)(3)(A), a motion to quash a subpoena must be filed in “the district where compliance is required.”<sup>1</sup> The subpoena commands Mr. Williston to produce documents at the law office of Tabet DiVito & Rothstein, LLC, in Chicago, Illinois.<sup>2</sup> Because the place of compliance (i.e., Chicago, Illinois) is not in the District of Kansas, this court cannot quash the subpoena or otherwise

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<sup>1</sup> 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).

<sup>2</sup> ECF No. 58-1.

provide the relief requested by Mr. Williston. As such, the motion to quash the subpoena is denied without prejudice to refiling in the district where compliance is required.

Mr. Williston further asks the court to issue a protective order forbidding defendants from seeking any discovery about Mr. Williston's prior representation of plaintiff while Mr. Williston was employed by defendants. Defendants shall file any response to the motion for protective order by November 14, 2019.

IT IS SO ORDERED.

Dated November 7, 2019, at Kansas City, Kansas.

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