

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES M. NEESE, as Chapter 11)
Trustee of Blair Temporaries)
& Staffing, Inc.)
)
Plaintiff,)
)
vs.) No. 01-0040-GV
)
SHAW PITTMAN,)
)
Defendant.)

ORDER GRANTING MOTION OF CASH FLOW MANAGEMENT TO QUASH SUBPOENA

Before the court is the motion of Cash Flow Management Inc., a non-party, pursuant to Rule 45 to quash a subpoena issued by the plaintiff to the custodian of records of National Bank of Commerce for records of deposit of Cash Flow into its account at the bank. As grounds for the motion, among others, Cash Flow alleges that the subpoena is overly broad and unduly burdensome, seeks irrelevant and proprietary information, and fails to comply with Tenn. Code Ann. §§ 45-10-106, 45-10-107, and 45-10-108. The motion was referred to the United States Magistrate Judge for determination.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. The plaintiff has not filed a response to this motion, and the time for responding has now expired. Rule 7.2(a)(2)

further provides that "[f]ailure to respond timely to any motion . . . may be deemed good grounds for granting the motion."

In the absence of any response by the plaintiff, it is therefore ORDERED that Cash Flow's motion to quash is granted.

IT IS SO ORDERED this 8th day of November, 2001.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE