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Attorney for Movant Brandon Freeman

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
TUCSON DIVISION

TARA LYN CARREON and)	
CHARLES CARREON)	CV10-182-TUC-FRZ (DTF)
)	
Plaintiffs,)	OBJECTION TO SUBPOENA
)	AND REQUEST FOR
SEIDBERG LAW OFFICES, P.C.,)	MODIFICATION
et. al)	
)	
Defendants,)	(Assigned to Honorable
)	Judge D. Thomas Ferraro)
BRANDON M. FREEMAN)	
)	
<u>Movant</u>)	

COMES NOW the Movant, Brandon Freeman, by and through his attorney Richard Groves, and does respectfully request that the Court modify the Subpoena issued and served upon Movant, relating to his noticed deposition scheduled for May/25/2010, in the above-referenced action.

This Motion is supported by the attached Statement of Facts and Memorandum of Law.

RESPECTFULLY SUBMITTED this 19th day of May, 2010.

s/Richard N. Groves
Richard N. Groves
Attorney for Movant

STATEMENT OF FACTS

1. That the Movant is properly licensed by the State of Arizona as a process server.
2. That Movant is employed by Track Down, Inc. of Phoenix, Arizona to serve process.
3. That on or about the 3rd day of March, 2010, Movant did serve a copy of a Summons and Complaint upon Tara Lyn Carreon, in cause No. C20101500, in the Superior Court of the State of Arizona in and for Pima County. (See copy attached hereto, and incorporated herein by reference as Exhibit 1)
4. That Movant has been served with a Subpoena Duces Tecum to testify at a deposition in this matter.

Movant notes that the case number on the subpoena is incorrect. (See copy attached hereto, and incorporated herein by reference as Exhibit 2.)

5. That the subpoena served upon Movant requests that Movant produce, at the time of the taking of the Deposition, the following:
 - A. "All documents recording all the work you did on March 1, 2010, including all process served, and the addresses at which you served that process."
 - B. "All documents recording your expenditures and purchases on March 1, 2010."
 - C. "Your mileage records for February 22- March 5, 2010."

- D. "All records of your credit card, debit card expenditures, cash expenditures, billings and invoices for February 22- March 5, 2010."
 - E. "Your cellular phone records for February 22-March 5, 2010."
 - F. "Your driver's licenses, process server's license."
 - G. "All photographs, videos and cell phone recordings you took from 2/22-3/5/10."
6. That any services performed by Movant Brandon Freeman in connection with the service of process in the Pima County Superior Court civil action C20101500 would have been performed only on March 3, 2010.

MEMORANDUM OF LAW

Rule 45 (3) (A) of the Federal Rules of Civil Procedure states that the issuing court must quash or modify a subpoena that : (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue burden.

It is the position of the Movant that the request for documents is overly broad, not relevant, not designed to lead to discoverable material, would result in the disclosure of the movant's private protected materials, and is unduly burdensome.

None of the records of the Movant, other than records maintained for March 3, 2010, have any material bearing on the question of service raised by the Plaintiff.

The sole purpose of the bulk of the documents requested by Defendants' subpoena is to harass the Movant. and are clearly unduly burdensome.

Movant would respectfully request that the Court modify the Defendants' Subpoena, limiting any and all documents produced, of any nature, to March 3, 2010.

Further, Movant respectfully requests that the purely personal records of the Movant, i.e., the telephone records, records regarding expenditure, credit card and debit card expenditures, drivers licenses, and cash expenditures, be quashed.

The Movant has in his possession, and is more than willing to produce, all photographs, videos and cell phone recording maintained in connection with the service of the Summons and Complaint on the Plaintiffs on March 3, 2010. He further has, and is willing to produce, all records of the work performed on March 3, 2010 of any nature.

s/Richard N. Groves
Attorney for Movant

CERTIFICATE OF SERVICE

I certify that on the 19th day of May, 2010, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Mr. Kenneth William Seidberg
email: Court @seidberglaw.com

Attorney for Defendants

I certify that on the 19th day of May, 2010, I mailed via the U.S. Postal Service, postage prepaid, the foregoing document to:

Charles Carreon
Tara Lyn Carreon
2165 S. Avenida Planeta
Tucson, Arizona 85710

Pro Per Plaintiffs

By: s/ Richard N. Groves
Richard N. Groves