
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**GIL A. MILLER, in his capacity as the
Trustee of the Randall Victims Private
Actions Trust,**

Plaintiff,

v.

**UNION CENTRAL LIFE INSURANCE
COMPANY,**

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:14-cv-00575-JNP-PMW

District Judge Jill N. Parrish

Magistrate Judge Paul M. Warner

District Judge Jill N. Parrish referred this case to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is nonparty Kyle J. Christensen’s motion to quash a deposition subpoena from Plaintiff Gil Miller (“Plaintiff”) acting in his capacity as trustee of the Randall Victims Private Actions Trust (the “RVPAT”). Plaintiff failed to respond to the motion to quash. As such, the court must rely on the assertions and representations in Mr. Christensen’s motion.

“[A] party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.” Fed. R. Civ. P. 45(d)(1). Here, Plaintiff’s subpoena seeks a large number of documents over a lengthy time period. The fact that Plaintiff addressed a portion of the subpoena to “Ira J. Sorenson,” an unrelated third party, indicates Plaintiff is copying and pasting, rather than narrowly tailoring.

¹ Docket nos. 22 & 39.

Accordingly, Mr. Christensen's motion to quash is **GRANTED**. Mr. Christensen's request for an award of attorney's fees and costs is also **GRANTED**. Fed. R. Civ. P. 37(a)(5)(A). Mr. Christensen shall file an affidavit and cost memorandum detailing the reasonable expenses, including attorney's fees, incurred in bringing the underlying motion. Within fourteen (14) days of Mr. Christensen's filing the cost memorandum, Plaintiff shall file a written response, if any.

IT IS SO ORDERED.

DATED this 21st day of November, 2016.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge