



IT IS ORDERED as set forth below:

Date: April 30, 2015

W. Homer Drake
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN THE MATTER OF:	:	CASE NUMBER
	:	
JEFFREY ALAN MARTIN,	:	14-11743-WHD
_____	:	
	:	
GRIFFIN E. HOWELL, III, Trustee for	:	ADVERSARY PROCEEDING
the Estate of Jeffrey Alan Martin,	:	NO. 14-1061-WHD
	:	
Plaintiff.	:	
	:	
v.	:	
	:	
MARTIN FINANCIAL, LLC, MARTIN	:	IN PROCEEDINGS UNDER
FINANCIAL, INC., TMAR LTD, LLC,	:	CHAPTER 7 OF THE
Q-TAN, LLC, MARADA, INC., AND	:	BANKRUPTCY CODE
CONNIE L. MARTIN (a/k/a Connie L.	:	
Shaw),	:	
	:	
Defendants.	:	

ORDER DENYING MOTION TO QUASH

Before the Court is the Motion to Quash Subpoenas for Deposition of

Representative of TMAR, QTAN, and Martin Financial, Inc. Under F.R.C.P. Rule § 45 (hereinafter the “Motion”). For the reasons stated herein, the Motion is **DENIED**.

A subpoena was issued and served setting April 30, 2015, as the date for the deposition of Connie L. Martin as the representative of TMAR Ltd., LLC, Q-Tan, LLC and Martin Financial, Inc. (hereinafter the “Corporate Defendants”). On April 29, 2015, the day before the scheduled deposition, the Corporate Defendants and Connie L. Martin, in her individual capacity¹ (hereinafter, collectively, the “Defendants”), filed the instant Motion before the Court. The Motion provides that because a recently filed summary judgment motion may prove dispositive of the case, this deposition may prove unnecessarily costly and expensive and, thus, may cause an “undue burden” on Defendants. See FED. R. BANKR. P. 9016 (incorporating Federal Rule of Civil Procedure 45(d)(3)(A)(iv)). Accordingly, the Defendants seek to quash the subpoena until the Court formally rules upon its dispositive motion.

Though the Motion does not state when the subpoena was issued and served, there are no allegations that Defendants did not have ample notice of the deposition.

¹ Connie L. Martin was added as a Defendant by amendment to the Complaint on March 9, 2015.

Given the late request for protection from the subpoena, see FED. R. CIV. P. 45(d)(3)(A) (“On *timely motion*, the court . . . must quash or modify a subpoena”) (emphasis added); see also Allstate Ins. Co. v. Nassiri, 2011 WL 4905639, at *1 (D. Nev. Oct. 14, 2011) (upholding the court’s denial of a motion to quash as “untimely” when filed three days prior to a scheduled deposition where the party had ample notice and time to seek protection from the subpoena), the Court shall deny the Motion.

For the reasons stated above, the Court finds that the subpoena should not be quashed pursuant to Rule 9016 of the Federal Rules of Bankruptcy Procedure. Accordingly, the Defendants’ Motion is **DENIED**.

The Clerk is **DIRECTED** to serve a copy of this Order on the Plaintiff, the Defendants, and respective counsel.

END OF DOCUMENT