

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

ROY L. DENTON)	
)	
Plaintiff)	Case No. 1:07-cv-211
)	
v.)	JURY DEMAND
)	
STEVE RIEVLEY)	Collier/Carter
)	
Defendant)	

**STEVE RIEVLEY’S MOTION FOR A PROTECTIVE ORDER
FED. R. CIV. P. 45**

Comes Steve Rievley, in his individual capacity, (herein “Officer Rievley”) pursuant to Rule 45 of the *Federal Rules of Civil Procedure* and moves this Court for a protective order preventing Roy Denton to issue any subpoenas upon any persons or entities, to include, but not limited to businesses, not-for-profit entities, municipalities, governmental agencies or employees of the same listed entities, etc. which would be related in any way whatsoever to this case or to Officer Rievley. For cause, Officer Rievley would show this Court as follows.

Rules 45(a)(1)(A) (i) and (ii) of the *Federal Rules of Civil Procedure* mandate that every subpoena **must** contain the “court from which it is issued” and “the title of the action, the court in which it is pending, and its civil-action number.” *Id.*

The trial of this matter was concluded on August 25, 2010 when the jury returned an unanimous verdict in favor of Officer Rievley. Therefore, no further evidence will be presented to this Court. Thus, this case is not currently pending before this Court for purposes of presenting new

evidence. There is no reason for Mr. Denton to issue subpoenas for any persons, business records, or any documents that would pertain in any manner to this case or to Officer Rievley. If Mr. Denton is allowed to have the Clerk of this Court issue blank subpoenas under Rule 45 (a)(3)(A) under the heading or pretext of this case, a possibility exists that some person upon whom a subpoena is served may believe that he or she is under a duty to comply with a court-issued subpoena. Moreover, Mr. Denton may not serve any notice of said subpoena upon the attorneys for Officer Rievley, enabling his attorneys to object to the subpoena.

Accordingly, Officer Rievley would therefore request that this Court issue a protective order and prevent Mr. Denton from having any subpoenas issued which would relate in any manner whatsoever to this case or Officer Rievley as the trial of this matter is now been concluded in favor of Officer Rievley.

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By: s /Elizabeth Roderick
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Elizabeth Roderick, BPR #022762
Attorney for Steve Rievley

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 3rd day of September, 2010.

Robinson, Smith & Wells

By: s/ Elizabeth Roderick

c: Roy L. Denton
120 6th Avenue
Dayton, TN 37321

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