

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GERALYN MASTERSON,

Plaintiff,

v.

STUEBER'S, INC., STUEBER'S BEVERAGES, INC.  
and JAMES STUEBER,

Defendants.

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ORDER

10-cv-608-slc

This is a sexual harassment lawsuit brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* Before the court is the motion of defendants Stueber's Inc., and James Stueber to quash a subpoena issued by plaintiff Geralyn Masterson to a third party, First National Bank of Park Falls. Dkt. 10. The subpoena seeks all documents and records the bank has in its possession related to James Steuber from January 1, 2010 to the present. Defendants argue the motion must be quashed because it fails to allow a reasonable time for compliance, requires the bank to produce the records at a location more than 100 miles from where the bank regularly transacts business, fails to seek information that could lead to the discovery of relevant evidence, invades the business and privacy rights of defendant James Steuber and is overly broad and unduly burdensome.

Rule 45(c)(3)(A) allows a court to quash a subpoena based on a timely motion where the subpoena requires the disclosure of privileged or other protected matter or subjects a person to undue burden. Fed. R. Civ. P. 45(c)(3)(A)(iii), (iv). As a general rule, a party lacks standing under Rule 45(c)(3) to challenge a subpoena issued to a nonparty unless the party claims a personal right or privilege with respect to the requested documents in the subpoena. *Powell v. Regency Hosp. of Northwest Indiana, LLC*, 2011 WL 1157528, \*2 (N.D. Ind. 2011) (citing cases).

Accordingly, defendants have no basis to object to the burdensomeness of the subpoena. Further, although defendant Stueber asserts that he has a privacy and business right against disclosure of his bank records that outweighs any interest plaintiff has in the information, his general assertions, unsupported by any legal authority, are insufficiently developed to allow me to quash the subpoena on this basis.

Accordingly, IT IS ORDERED the motion to quash is DENIED.

Entered this 27<sup>th</sup> day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge