

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

MICHAEL O'GRADY,

Plaintiff,

v.

SYNTHIA Y. O'GRADY and
DANIEL A. KLINT,

Defendants.

ORDER

10-cv-222-bbc

Plaintiff Michael O'Grady was allowed to proceed against defendants Synthia O'Grady and Daniel A. Klint on his state law claims of tortious interference with the custody of a child and intentional infliction of emotional distress. Currently before the court are plaintiff's motion for issuance of subpoenas for non-parties, dkt. #22 and plaintiff's motion to compel, dkt. #31.

In his motion for issuance of subpoenas, plaintiff seeks to subpoena information from the Marathon County Child Support Agency and to depose both Ms. Tammy Levit-Jones, a case worker, and the Hon. James R. Habeck, a state court judge. It appears that plaintiff is seeking this information and witness testimony to show illegal conduct by individuals other than the defendants. I am denying plaintiff's request for the issuance of these subpoenas because the information sought does not appear to be relevant to his claims in this case, and any hypothetical relevance is outweighed by the burden and potential vexatiousness to the witnesses. *See F.R. Civ. Pro. 26(b)(2)(C)(iii).*

Next, plaintiff has filed a motion to compel defendants to comply with Rule 26(a) disclosures. By standing order, this court excuses all parties in pro se civil lawsuits from complying with the requirements of Rule 26(a)(a) and (f). Accordingly plaintiff's motion to

compel will be denied. In any event, defendants report in a November 29, 2010 letter that they have provided the information requested to plaintiff, so he already is better off than the court would have required.

ORDER

IT IS ORDERED that:

1. Plaintiff Michael O'Grady's motion for the issuance of subpoenas, dkt. 22, is DENIED.
2. Plaintiff's motion to compel, dkt. 31, is DENIED.

Entered this 7th day of December, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge