

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | Michael T. Mason | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 06 C 7125 | DATE | 8/10/2007 |
| CASE TITLE | Faruki et al. Vs. Eagle Seven | | |

DOCKET ENTRY TEXT

Plaintiffs Belal K Faruki, Neotick, Inc., Logisol, Inc.'s Motion for Protective Order [88] is denied.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Plaintiffs Belal K Faruki, Neotick, Inc., Logisol, Inc.'s ("Plaintiffs") Motion for Protective Order [88] ("Motion") is denied because it is untimely. Instead of waiting until two business days before the nonparty deposition is scheduled (August 13, 2007 at 2:00 p.m.), Plaintiffs could have and should have raised this issue prior to today. The Motion itself states that the Defendants issued a subpoena for documents to Mr. Mirza and Advanced Tax Services on July 15, 2007.¹ (Pl.'s Mot., p.2). Thus, the Plaintiffs could have filed a motion at some point in the last few weeks. Obviously, the Plaintiffs waited until this late stage to do so. The more frustrating point that we wish to make, is that Plaintiffs could have raised this issue on August 8th when the parties were before this Court on the Defendant's Motion for Rule to Show Cause [83] which prompted the upcoming deposition. At that time, Plaintiffs' counsel, Mr. Hopkins, indicated to this Court that he represented Mr. Mirza. Thus, Mr. Hopkins, as counsel for Mr. Mirza, must have been aware of the subpoena for documents on August 8th. Why Plaintiffs waited to file the Motion at this late juncture is unclear. Whatever the reason, the Motion is untimely and is therefore denied. No appearance is required on the noticed motion date, 8/14/07.

Courtroom Deputy
Initials:

KF

¹We note that the Plaintiffs failed to attach copies of the subpoenas to the Motion.