

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
WILLIAM M. NICKERSON  
SENIOR UNITED STATES DISTRICT JUDGE

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-7810  
FACSIMILE (410) 962-2577

2008 JAN 15 P 3:08

CLERK'S OFFICE  
AT BALTIMORE

BY \_\_\_\_\_ DEPUTY

January 15, 2008

Margarette S. McMahan.

Re: United States v. Kotmair, et al., Civil No. WMN-05-1297

Dear Ms. Mahan:

Your motion to quash a nonparty subpoena is being returned to you because it should be filed in the Southern District of Texas, where the subpoena was issued, and not in the District of Maryland. Under Rule 45(a)(2) of the Federal Rules of Civil Procedure, a subpoena for attendance at a deposition is issued from the court for the district where the deposition is to be held. Rule 45(c)(3), which governs the quashing of a subpoena, states that any order quashing such a subpoena shall be issued by the court that issued the subpoena.

Sincerely,

/s/

\_\_\_\_\_  
William M. Nickerson  
Senior United States District Judge

cc: Robert E. Fay

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

FILED U.S. DISTRICT COURT DISTRICT OF MARYLAND

JAN 10 2008

CLERK'S OFFICE AT BALTIMORE

BY \_\_\_\_\_ DEPUTY

UNITED STATES OF AMERICA )
Plaintiff, )
v. )
JOHN BAPTIST KOTMAIR, JR., d/b/a )
SAVE-A-PATRIOT FELLOWSHIP and )
NATIONAL WORKERS RIGHTS )
COMMITTEE; and SAVE-A-PATRIOT )
FELLOWSHIP, and unincorporated )
Association, )
Defendants. )

Civil No. WMN 05-CV-1297 (D. MD)

MOTION TO QUASH NON PARTY SUBPOENA

NOW COMES Margarett McMahon, Non Party, to file this Motion to Quash Non Party Subpoena and would show the Court the following, to wit:

The Non Party Margarett McMahon received a subpoena from Robert E. Fay, Attorney, Department of Justice (see Exhibit "A" attached).

First, the said Non Party had no affiliation or association with defendants John Baptist Kotmair, Jr., doing business as Save-A-Patriot Fellowship (SAPF) and National Workers Rights Committee (NWRC), and SAPF, and unincorporated association, at any time in the past, present or future. The Non Party has never been an associate or full member of any of the defendants' organizations or associations, etc.

Therefore, the Non Party objects to the subpoena, its production of documents and deposition on the following grounds, to wit:

- 1.) The information sought in the subpoena is not relevant or material to the case in the District of Maryland.