

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRANT HEILMAN PHOTOGRAPHY, INC.;	)	
and	)	
GRANT HEILMAN,	)	
	)	Civil Action
Plaintiffs	)	No. 11-cv-1665
	)	
vs.	)	
	)	
JOHN WILEY & SONS, INC.; and	)	
JOHN DOE PRINTERS 1-10,	)	
	)	
Defendants	)	

O R D E R

NOW, this 4<sup>th</sup> day of November 2011, upon consideration of the following:

- I. 1. Defendant John Wiley & Sons, Inc.'s Motion to Quash Hearing Subpoenas, which motion was filed May 13, 2011 (Document 40); together with,
  - A. Defendant, John Wiley & Sons, Inc.'s Memorandum of Law in Support of Its Motion to Quash Hearing Subpoenas;
  - B. Subpoena[s] to Appear and Testify at a Hearing or Trial in a Civil Action (in the nature of subpoenas duces tecum) addressed to
    - i. Stephen M. Smith (Exhibit A to defendant's motion to quash);
    - ii. Gary M. Rinck (Exhibit B);
    - iii. Kaye Pace (Exhibit C);
    - iv. Lisa Suarez (Exhibit D);
    - v. Jennifer MacMillan (Exhibit E);
- 2. May 11, 2011 Order of Magistrate Judge Henry S. Perkin granting defendant's objection to document request 10 from plaintiffs' first set of document requests;
- 3. May 16, 2011 Order of the undersigned denying defendant John Wiley & Sons, Inc.'s motion to quash the above subpoenas duces tecum;

4. May 18, 2011 Order of Magistrate Judge Henry S. Perkin granting in part plaintiffs' letter motion to compel documents;
  5. May 27, 2011 Order of Magistrate Judge Henry S. Perkin amending in part the May 18, 2011 Order of Magistrate Judge Henry S. Perkin;
- II.
1. Defendant John Wiley & Sons, Inc.'s Motion for Reconsideration, which motion was filed June 8, 2011 (Document 66); together with,
    - A. Defendant John Wiley & Sons, Inc.'s Memorandum of Law in Support of Its Motion for Reconsideration;
  2. Plaintiffs' Opposition to Defendant John Wiley & Sons, Inc.'s Motion for Reconsideration, filed June 22, 2011 (Document 82);
  3. Defendant's Reply Brief in Support of its Motion for Reconsideration, which reply brief was filed July 7, 2011 (Document 90);
- III.
1. Plaintiffs' Motion to Hold Defendant John Wiley & Sons, Inc. in Contempt of Subpoenas Duces Tecum, which motion was filed May 23, 2011 (Document 48);
  2. Memorandum of Law in Opposition to Plaintiffs' Motion for Contempt, which memorandum of law was file by John J. Wiley & Sons, Inc. ("Wiley") on June 9, 2011 (Document 67);
  3. Plaintiffs' Reply to Defendant John Wiley & Sons, Inc.'s Opposition to Motion for Contempt, which reply was filed June 22, 2011 (Document 85);
  4. Plaintiffs' Motion to Compel Production of Documents at Hearing, which motion was filed November 2, 2011 (Document 122);
- IV.
1. Notice of Motion to Quash the Subpoenas of Maria Danzilo, Joseph Heider, Kaye Pace, Howard Weiner, and William Zerter, which notice of motion was filed by defendant Wiley on October 19, 2011 (Document 105); together with,

- A. Memorandum of Law in Support of the Motion to Quash the Subpoenas of Maria Danzilo, Joseph Heider, Kaye Pace, Howard Weiner, and William Zerter; and
2. Plaintiffs' Response in Opposition to Defendant John Wiley & Sons, Inc.'s Motion to Quash Subpoenas of Maria Danzilo, Joseph Heider, Kaye Pace, Howard Weiner, and William Zerter, which response was filed November 1, 2011 (Document 121);

and, for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Wiley's motion for reconsideration (Document 66) of the Order of May 16, 2011 is granted.

IT IS FURTHER ORDERED that the Order of May 16, 2011 (Document 52) is amended and modified to grant Defendant John Wiley & Sons, Inc.'s Motion to Quash Hearing Subpoenas in the nature of subpoenas duces tecum.<sup>1</sup>

IT IS FURTHER ORDERED that the hearing subpoenas in the nature of subpoenas duces tecum addressed to Stephen M. Smith, Gary M. Rinck, Kaye Pace, Lisa Suarez, and Jennifer MacMillan (Exhibits A through E, respectively, to defendant Wiley's motion to quash hearing subpoenas) are quashed.

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<sup>1</sup> My Order of May 16, 2011 stated in part: "IT IS FURTHER ORDERED that the motion in the nature of a motion to quash the Subpoenas Duces Tecum is denied." Pursuant to this Order, this portion of my Order of May 16, 2011 is amended to read, "IT IS FURTHER ORDERED that the motion in the nature of a motion to quash the subpoenas duces tecum is granted. IT IS FURTHER ORDERED that each subpoena is quashed to the extent that it directs the production of documents."

IT IS FURTHER ORDERED that Plaintiffs' Motion to Hold Defendant John Wiley & Sons, Inc. in Contempt of Subpoenas Duces Tecum (Document 48) is dismissed as moot.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Compel Production of Documents at Hearing (Document 122) is dismissed as moot.

IT IS FURTHER ORDERED that the Notice of Motion to Quash the Subpoenas of Maria Danzilo, Joseph Heider, Kaye Pace, Howard Weiner, and William Zerber (Document 105) filed by defendant John Wiley & Sons, Inc. regarding the November 3, 2011 contempt hearing is dismissed as moot.

IT IS FURTHER ORDERED that the hearing scheduled for November 3, 2011 on defendant Wiley's motion for reconsideration and plaintiff's motion for contempt of subpoenas duces tecum is stricken from the hearing list.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge