

FILED
5-10-2010
MAY 10 2010
MHJ

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America)	
)	
v.)	08 cr 846
)	
Jon Burge)	Judge Lefkow
)	
)	

THIRD-PARTY MOTION TO QUASH SUBPOENA FOR DOCUMENTS

Now comes third-party subpoena recipient, Jon Loevy, and respectfully seeks to quash the portion of the subpoena of Jon Burge seeking documents. In support, movant states as follows.

1. Jon Burge has recently subpoenaed Jon Loevy to testify in his defense on May 24, 2010. See Exhibit A. Burge's subpoena to Mr. Loevy commands him to bring to court:

Any and all complaints, settlement agreements, jury verdicts, and lists of fees for all causes of action filed, on behalf of clients of Loevy & Loevy and/or Jon Loevy, against any and all Chicago Police Officers and/or the City of Chicago within the past 15 years as of April 21, 2010.

See Exhibit A.

2. Mr. Burge's request for documents is unduly broad and manifestly irrelevant.

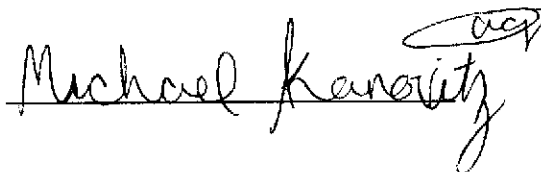
Mr. Burge is certainly entitled to a defense, but this request is so unrelated to anything legitimately at issue that it must be quashed. See Federal Rules of Civil Procedure ("Rule") 45(c)(1) ("A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction--which may include lost earnings and reasonable attorney's fees--on a party or attorney who fails to comply") and Rule 26(c) ("The court may, for good cause, issue an order to protect a party or person from

annoyance, embarrassment, oppression, or undue burden or expense"). See also Ligas v.Maram, No. 05 c. 4331, 2007 WL 2316940 at *4 (N.D.Ill. August 10, 2007) (Finding that subpoenas were not enforceable "In light of the subpoenas' extreme breadth and consequent lack of relevance").

3. Independently, the request is unduly burdensome, and is more readily obtainable from public records and/or the City of Chicago. The subpoena should be quashed on that ground as well.

WHEREFORE, the subpoena of Jon Loevy for documents should be quashed.

RESPECTFULLY SUBMITTED,



LOEVY & LOEVY
312 N. May St., Suite 100
Chicago, Illinois 60607
(312) 243-5900

CERTIFICATE OF SERVICE

I, Michael Kanovitz, an attorney, certify that on May 10, 2010, I served this document via the CM/ECF electronic case filing system on all counsel of record.



EXHIBIT A

AO89 (Rev. 7/95) Subpoena in a Criminal Case

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

Illinois

UNITED STATES OF AMERICA

v.

JON BURGE

SUBPOENA IN A
CRIMINAL CASE

Case Number: 08-CR-846

TO:

Jon Loevy
Loevy & Loevy
312 N May St Suite 100
Chicago, IL 60607

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE Dirksen Federal Building 219 S. Dearborn Street Chicago, IL 60604	COURTROOM 1925 (312) 435-5832 DATE AND TIME 05/24/2010 at 9:30 A.M.
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YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):
Any and all complaints, settlement agreements, jury verdicts, and lists of fees for all causes of action filed, on behalf of clients of Loevy & Loevy and/or Jon Loevy, against any and all Chicago Police Officers and/or the City of Chicago within the past 15 years as of April 21, 2010.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT MICHAEL W. BOBBINS <small>(By) Deputy Clerk</small> <i>J. Hollimon</i>	DATE APR 21 2010
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ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:
Richard M. Beuke
53 W Jackson Blvd. Ste 1410 Chicago, IL. 60604
312-427-3050

