

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

In Re Subpoena of Feleshia Porter,

Case No. 16-MC-009-RAW

ORDER

Before the court is the Motion to Quash Subpoena, or in the Alternative, to Transfer to the Western District of Oklahoma, filed by Dr. Rachel Tudor [Docket No. 1], as well as the Motion for Attorney Ezra Young to be Admitted *Pro Hac Vice* [Docket No. 3].

Dr. Rachel Tudor is involved in litigation in the Western District of Oklahoma in an action styled, *United States, et al. v. Southeastern Oklahoma State University, et al.*, Case No. 15-CIV-324-C. That case was filed on March 30, 2015 and is currently pending before the Honorable Robin J. Cauthron.

Federal Rules of Civil Procedure 45 states that when the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds “exceptional circumstances.” F.R.Civ.P. 45(f). Ms. Feleshia Porter, the non-party subject to the subpoena, has consented to the transfer to the court of issuance [Docket No. 1, Page 17].

Additionally, this court finds that exceptional circumstances exist to support the transfer of this matter to the Western District of Oklahoma. The issuing court is quite familiar with the history of this case, and is best situated to resolve the issue regarding the subpoena issued to Ms. Porter. That case has pending several discovery disputes, including a motion to compel regarding the psychotherapist privilege as to the subpoena at issue here. The issuing court is in a better position to rule on the pending motion to quash, the subsequent compliance with the discovery requests, and the appropriateness of those requests in the context of the litigation as a whole.

For the reasons stated above, the Motion to Transfer the Case to the Western District of Oklahoma is GRANTED. The Motion for Attorney Ezra Young to be Admitted Pro Hac Vice [Docket No. 3] is deemed MOOT.

Dated this 4th day of August, 2016.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA