

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

ROY L. DENTON)
 Plaintiff)
) No. 1:07-cv-211
v.)
) *Collier/Carter*
STEVE RIEVLEY, in his individual capacity,)
 Defendant)

ORDER

A hearing was held before the undersigned Magistrate Judge on June 11, 2010 concerning the defendant's motion to quash or for a protective order. [Doc. 95]. The motion concerns a subpoena plaintiff has sent to defendant requesting certain records from defendant's personal and county issued cell phones. At the hearing the parties agreed that the matter could be resolved by defendant providing the call records for his personal and county issued cell phones for September 9, 2006 from midnight to 3 am.

Accordingly, it is ORDERED that defendant's motion to quash or for a protective order is GRANTED in part and DENIED in part if the following manner:

Defendant Steve Rievley shall provide to the plaintiff copies of the records for defendant's personal cell phone and his county issued cell phone for September 9, 2006 from midnight to 3 am. Defendant shall provide these records to plaintiff by placing a copy of these records in the United States mail on or before **Friday, June 25, 2010**.

If defendant determines that said records contain information irrelevant to the instant case which, because of their personal nature, should be redacted, then defendant shall send a redacted copy of the records to plaintiff with a privilege log and send an unredacted copy to the

undersigned with an explanation as to why the redacted information is irrelevant and why it is so sensitive as to require its redaction.

It is further ORDERED that 1) plaintiff shall not subpoena the records of those phone numbers revealed in Mr. Rievley's personal and county issued cell phone records without first seeking and obtaining court permission by filing an appropriate motion, and 2) plaintiff shall not use said cell phone records for any purpose other than the prosecution of his claim against defendant nor shall he disseminate this information to anyone for any other purpose.

Plaintiff's motion for a hearing [Doc. 98] on defendant's motion to quash is DENIED as moot.

SO ORDERED.

ENTER:

Dated: June 14, 2010

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE