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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VKD

In re Rule 45 Subpoenas Served on
Joseph Perez,

Petitioners

CV • Case No. **20-80191MISC**

**BRIAN WHITESIDE'S,
AUTOFICIO, LLC'S, AND TREVOR
ZINK'S MOTION TO QUASH, OR
ALTERNATIVELY, TO STAY
ENFORCEMENT OF SUBPOENAS TO
JOSEPH PEREZ; SUPPORTING
MEMORANDUM OF POINTS AND
AUTHORITIES**

*Declarations of Brian Whiteside, Trevor Zink, and
Dallas Flick concurrently filed*

Mag. Judge: Not Assigned Yet
Hearing Date: Not Set Yet
Time: Not Set Yet
Courtroom: Not Set Yet

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 45(d)(3), Petitioners Brian Whiteside, Autoficio, LLC (“Autoficio”), and Trevor Zink (collectively, the “Petitioners”) move this Court to quash or, alternatively, to order a stay of enforcement and for protection from a subpoenas *duces tecum* and for deposition served by Alvin “Chuck” Allen, Jr. on Joseph Perez (the “Subpoenas”) in connection with litigation styled *Alvin C. Allen Jr. v. Trevor Zink, Brian Whiteside, Autoficio, LLC, and Kapexia LLC*, No. 1:20-cv-00045-MJT-ZJH, pending in the United States District Court for the Eastern District of Texas, Beaumont Division (the “Texas Action”).

The Court should grant the Motion because the court in the Texas Action lacked subject-matter jurisdiction to issue the Subpoenas, rendering them void. Petitioners thus respectfully request this Court enter an order (1) quashing the Subpoenas, or, alternatively, staying enforcement of the Subpoenas pending the outcome of Whiteside’s and Autoficio, LLC’s motion to dismiss in the Texas Action; (2) alternatively, transferring this case to the issuing court, the Eastern District of Texas, under Rule 45(f) based on the consent of Perez to transfer and the presence of exceptional circumstances; and (3) entering an automatic stay of enforcement of the Subpoenas pending the outcome of Petitioners’ present motion.



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October 28, 2020

Respectfully submitted,

By: s/ Trevor J. Zink

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