

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: VERTRUE MARKETING</b>	)	<b>CASE NO. 09-vm-75000</b>
<b>and SALES PRACTICES LITIGATION</b>	)	
	)	<b>(MDL Docket No. 2044)</b>
	)	
	)	<b><u>Standing Order Regarding Protocol</u></b>
	)	<b><u>Involving Disputes Before Other United</u></b>
	)	<b><u>States District Courts Concerning</u></b>
	)	<b><u>Enforcement of Subpoenas</u></b>
	)	
	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	

In the event that (a) a person commanded by subpoena issued by another United States District Court to produce and inspect documents files a timely objection to that subpoena pursuant to Rule 45(c)(2)(B); or (b) a person commanded by a subpoena issued by another United States District Court to attend and give testimony at a deposition files a timely motion to quash or modify that subpoena pursuant to Rule 45(c)(3); or (c) a Party to the above-captioned litigation (“Vertrue Marketing and Sales Practices Litigation”) pursues an enforcement action in the district where the subpoena was issued, the Party seeking to enforce compliance with the subpoena must notify this Court via the Court’s electronic filing system of the existence of the dispute pending in another United States District Court and is further directed by this Court to

reference this Order in its own filing made in the district where the subpoena was issued and attach a copy of this Order to said filing. The purpose of this Order is to ensure that any district court where a Party to the Vertrue Marketing and Sales Practices Litigation seeks to enforce a subpoena issued by that court is informed that:

1. The subpoena in dispute was issued in connection with the cases comprising the Vertrue Marketing and Sales Practices Litigation consolidated for pretrial purposes in this Court by Order of the Judicial Panel on Multidistrict Litigation.
2. The discovery disputes that arise in connection with the Vertrue Marketing and Sales Practices Litigation involve complex issues whose resolution by various district courts risks inconsistent results and frustration of the goals of judicial economy and efficiency served by consolidation for pretrial purposes.
3. This Court is not only willing but prefers to hear and resolve all discovery disputes that arise in any other United States District Court in connection with the Vertrue Marketing and Sales Practices Litigation. This Court can accomplish this either through its authority as transferee court under 28 U.S.C. § 1407, or by working cooperatively and in conjunction with the District Court in which any discovery dispute involving a non-party was issued. *See, e.g., United States, ex rel. A. Scott Pogue v. Diabetes Treatment Centers of America, Inc.*, 138 F.Supp.2d 270 (D.C. 2002)(discussing authority of transferor courts in connection with non-party disputes in other districts).
4. This Court respectfully requests that district courts faced with discovery disputes related to the Vertrue Marketing and Sales Practices Litigation refer such disputes to the undersigned for resolution.
5. Questions regarding this request may be directed to the undersigned either at the Carl B. Stokes Courthouse, 801 W. Superior Ave., Suite 19B, Cleveland, Ohio 44114, or by facsimile to chambers at (216) 357-7215, or by telephone to chambers at (216) 357-7210.
6. This Court will make every effort to prevent undue hardship to non-parties in other districts and their counsel, including the avoidance of unnecessary travel and expense, and will make every effort to resolve disputes by telephone or expedited motion practice whenever possible.
7. The Vertrue Marketing and Sales Practices Litigation is a priority matter for this Court and, as such, the Court is committed to addressing discovery disputes related thereto as expeditiously as possible.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
United States District Judge

Dated: 11/12/09