

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FINTIV, INC.,

Movant,

v.

STMICROELECTRONICS, INC.,

Respondent.

No. 3:20-mc-00079-G-BT

ORDER

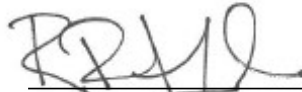
Before the Court is Movant Fintiv, Inc.'s Rule 45 Motion to Compel Compliance with Subpoena (ECF No. 1), seeking an order compelling non-party STMicroelectronics, Inc., which maintains an office in Coppel, Texas, to comply with a February 25, 2020 subpoena to appear for a deposition and produce documents at a location in Dallas, Texas, issued by the United States District Court for the Western District of Texas. The Court issues the following orders with respect to the Motion to Compel:

1. Movant's counsel is ordered to personally serve a copy of this Order, together with the Motion, on STMicroelectronics and all counsel of record in the underlying litigation in the United States District Court for the Western District of Texas, by **December 21, 2020**. Movant's counsel must file a certificate of service by **December 28, 2020**.

2. Federal Rule of Civil Procedure 45(f) provides that, “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under [Rule 45] to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” A court may find exceptional circumstances exist and “transfer may be warranted in order to avoid disrupting the issuing court’s management of the underlying litigation.” Fed. R. Civ. P. 45(f), advisory committee’s note to 2013 amendment. Accordingly, the Court ORDERS Movant and STMicroelectronics to each file a response to this Order by **January 4, 2021**, explaining their views on whether the Motion to Compel should be transferred under Rule 45(f) to the United States District Court for the Western District of Texas and resolved in connection with the underlying action, *Fintiv, Inc. v. Apple, Inc.*, 1:19-cv-01238-ADA (W.D. Tex.).
3. Should the Court determine transferring the Motion to Compel under Rule 45(f) is improper, STMicroelectronics must file its response to the Motion to Compel by **January 11, 2021**, and Petitioner must file any reply in support of its Motion by **January 20, 2021**.
4. The Court will hold a hearing on the motion via Zoom video call on **January 21, 2021, at 10:00 a.m.** The Court will distribute the Zoom link closer to the hearing date.

SO ORDERED.

December 14, 2020.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE