

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : MISCELLANEOUS  
: :  
NATIONAL FINANCIAL :  
PARTNERS CORP. and :  
WILLIAM CORRY : NO. 09-mc-00027-JF

MEMORANDUM

Fullam, Sr. J.

May 11, 2009

The parties are involved in an arbitration proceeding. By Orders entered on March 16, 2009 and April 21, 2009, I denied motions to quash a subpoena issued by the arbitrator to the wife of a defendant (the wife is a non-party). The object of the subpoena has now filed a motion seeking a stay of the scheduled deposition so that my Orders declining to quash the subpoena may be appealed to the Third Circuit Court of Appeals.

In my view, it would be inappropriate for this Court to intervene in the pending arbitration proceedings, and the pending dispute should be submitted to, and resolved by, the arbitrator. I express no view of the appealability of the Orders entered by this Court, but note that (1) no significant harm appears likely to occur if the deposition takes place as scheduled; (2) no application has yet been made to enforce the subpoenas in question; and (3) counsel seem to be unnecessarily complicating and frustrating what is supposed to be an arbitration proceeding. The motion for a stay will be denied. An Order follows.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 11<sup>th</sup> day of May 2009, upon consideration of the motion of Darcy Corry for a stay of deposition pending appeal, IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.