

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

DUNKIN' DONUTS, INC. : CIVIL ACTION
 :
 v. :
 :
 GUANG CHYI LIU, et al. : NO. 99-CV-3344

MEMORANDUM AND ORDER

J. M. KELLY, J.

NOVEMBER 16, 1999

Plaintiffs, Dunkin' Donuts, (Dunkin') have filed a lawsuit against defendants charging, inter alia, under reporting of sales in breach of their Franchise Agreement with Dunkin' and in violation of the tax laws. Dunkin' has subpoenaed the defendants' accountant, Thomas Wong, to provide certain business records and tax returns and other documents in pursuance of their theory. Defendants have resisted Mr. Wong's subpoena. The Franchise Agreement between the parties, and more specifically, paragraphs 6C, 6D, and 6E, provide for the franchisee to supply Dunkin' with the requested documents. The documents certainly may be relevant in this matter. The defendants also claim that the defendant was not properly served because it was by certified mail and not by personal service. The purpose of the Rules of Civil Procedure is to expedite matters before the Court in an efficient and fair manner. The defendants cannot hardly argue that they have not received adequate notice of this request.

In view of the above, the Court enters the following Order:

1. Accountant, Thomas Wong, shall, on or before

December 3, 1999, respond fully to the subpoena duces tecum served upon him on October 8, 1999, by producing to plaintiffs the documents relating to Defendants, Guang Chyi Liu, Susan Yeh Liu, and G.C.S.C.L. Company.

2. The failure of Mr. Wong to fully and accurately respond to the subpoena duces tecum may result in sanctions being imposed.

3. A copy of this Order shall be served upon all parties and Thomas Wong by first class mail on or before November 23, 1999.

BY THE COURT:

JAMES MCGIRR KELLY, J.

