

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 AND ORDER

Fullam, Sr. J.

March 16, 2009

The parties are involved in an arbitration, being conducted in accordance with the rules of the American Arbitration Association. The designated arbitrator has apparently issued some subpoenas to the wife of the respondent in that proceeding, and the respondent (William Corry) filed a motion in this Court to quash the subpoenas which had been served upon his wife. I ruled that, since he was not the person subpoenaed, he had no standing to file the motion to quash. Now before the Court is the motion of his wife, the target of the subpoenas, also seeking to quash the subpoenas, and/or to obtain a protective order.

I have reached the following conclusions: (1) since the subpoenas would require the witness's appearance at a hearing, the arbitrator had the authority to cause the subpoenas to be issued (that is, this is not a discovery proceeding, but a hearing on the merits - even though the parties may refer to it as a "pre-merits hearing"); and (2) movant's contention that the subpoenas are overly broad, and seek the production of irrelevant

information, should first be presented to the arbitrator. In short, since this proceeding is being conducted by an independent arbitrator under the auspices of AAA, this Court should not interfere with the proceeding.

On the basis of the unduly lengthy record produced in connection with the pending motions, it seems advisable to remind counsel for both sides that the whole purpose of an arbitration, as a means of alternative dispute resolution, is to avoid unnecessary expense and effort. The parties would be well-advised to observe the spirit, as well as the letter, of the arbitration rules.

An Order follows.

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ORDER

AND NOW, this 16th day of March 2009, IT IS ORDERED:

That the motion of Darcy Corry to quash and/or for
entry of a protective order is DENIED.

BY THE COURT:

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