

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

A & E AUTO BODY, INC. et al.,

Plaintiffs

v.

**Case No.: 6:14-md-2557-Orl-31TBS
ALL CASES**

**21st CENTURY CENTENNIAL
INSURANCE COMPANY, et al.,**

Defendants

**EMERGENCY MOTION FOR ISSUANCE OF
SUBPOENA DUCES TECUM TO NON-PARTIES**

Come Now, Plaintiffs in the above-captioned multidistrict litigation and move this Court, for issuance of a subpoena duces tecum to non-parties GoDaddy.com, LLC, and Google, Inc., and in support thereof, state the following to the Court:

1. Last year, Plaintiffs moved the Court for issuance of subpoenas duces tecum to non-parties GoDaddy.com, LLC, and Google, Inc. The reasons for that request were set forth in detail in the previous motion [Doc. No. 160], a copy of which is hereby attached as Exhibit "1" for the Court's ease of reference.

2. The motion for issuance of the subpoenas was denied with direction that Plaintiffs should await commencement of discovery.

3. In compliance with that order, Plaintiffs have waited. Unfortunately, discovery has not yet commenced in any case under MDL 2557 and upon information and belief, the records and information within the custody and control of GoDaddy.com and Google will be destroyed pursuant to their internal record-keeping procedures.

4. It is Plaintiffs' understanding these entities will purge or destroy the information on approximately February 20, 2016. As neither GoDaddy.com nor Google, Inc., are parties to this

litigation, neither is under any legal compulsion to comply with a document retention request, and neither can or will undertake to confirm they will comply.

5. Plaintiffs' liaison counsel conferred with Defense liaison counsel regarding the filing of this Motion on approximately 26 January 2016. However, no definitive response as to objection to the Motion was given and Plaintiffs therefore assume Defendants intend to oppose it.

6. As the records are going to be shortly destroyed, Plaintiffs move this Court again for permission and issuance of the requested subpoenas duces tecum.

Respectfully submitted, this the 1st day of February, 2016.

A & E AUTO BODY, INC., ET AL.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Motion for Issuance of Subpoena Duces Tecum to Non-Parties* was filed electronically on the 1st day of February, 2016, and will be served upon all ECF-registered counsel by operation of the Court's electronic filing system. Parties and counsel may access this filing through the Court's system.

This the 1st day of February, 2016.

BY: /s/ Allison P. Fry
Allison P. Fry, Esq.