

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY K. JONES, Individually and on Behalf	:	Civil Action No. 1:10-cv-03864-AKH
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff	:	
vs.	:	PLAINTIFFS' COMBINED RESPONSE TO
	:	MOTIONS TO QUASH TRIAL
PFIZER INC., et al.,	:	SUBPOENAS TO NON-PARTIES DEE
	:	MAHONEY AND MARY HOLLOWAY
Defendants.	:	(DKT. NOS. 453, 460)
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Plaintiffs respectfully request the Court deny the motions to quash trial subpoenas filed by non-parties Dee Mahoney and Mary Holloway as moot. As set forth below, the trial date in this action has been vacated.

The initial trial date in this action was January 26, 2015. On January 20, 2015, the trial date was adjourned by two weeks to February 10, 2015. Dkt. No. 450. On January 24, 2015, Ms. Mahoney filed a motion to quash the trial subpoena served on her. In light of a proposed settlement of the action, on January 28, 2015, the Court vacated the trial date and the previously scheduled February 9, 2015 hearing date on all outstanding motions. Electronic notice of the Order was received by counsel for plaintiffs on January 29, 2015. *See* Declaration of Willow E. Radcliffe in Support of Plaintiffs' Combined Response to Motions to Quash Trial Subpoenas to Non-Parties Dee Mahoney and Mary Holloway ("Radcliffe Decl."). Counsel for Mses. Mahoney and Holloway were informed the trial date was vacated by voicemail and e-mail the same day. *See* Radcliffe Decl., ¶¶3-4. Plaintiffs also indicated a willingness to withdraw the trial subpoena served on Ms. Mahoney in exchange for the withdrawal of her motion to quash. *Id.* The next day, on January 30, 2015 Ms. Holloway filed a motion to quash the trial subpoena served on her.

The trial date having been vacated, the trial subpoenas are no longer operative. Should the trial date be reinstated and new trial subpoenas be issued to Mses. Mahoney and Holloway, the motions to quash can be renewed. Because the circumstances of these witnesses and the parameters of any potential trial sometime in the future may change, a ruling on the merits of the motions to quash at this time would be premature.<sup>1</sup> Accordingly, the pending motions to quash the trial

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<sup>1</sup> Plaintiffs oppose the merits of the motions to quash and reserve all rights to oppose said motions should the Court be inclined to hear them.

subpoenas filed by Mses. Mahoney and Holloway for the previously set trial should be denied as moot.

DATED: February 3, 2015

Respectfully submitted,

ROBBINS GELLER RUDMAN  
& DOWD LLP  
WILLOW E. RADCLIFFE  
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 3, 2015.

s/ WILLOW E. RADCLIFFE

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**U.S. District Court**

**Southern District of New York**

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**Case Number:** [1:10-cv-03864-AKH](#)  
**Filer:** Mary K. Jones  
Stichting Philips Pensioenfonds

**Document Number:** [462](#)

**Docket Text:**

**RESPONSE to Motion re: [460] MOTION to Quash Plaintiffs' Trial Subpoena of Mary Holloway - Notice of Motion., [453] MOTION to Quash Plaintiff's Trial Subpoena of Dee Mahoney - Notice of Motion. . Document filed by Mary K. Jones(Individually), Stichting Philips Pensioenfonds. (Radcliffe, Willow)**

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