STATE OF NORTH CAROLINA                  IN THE GENERAL COURT OF JUSTICE

                                                                                  DISTRICT COURT DIVISION

COUNTY OF \_\_\_\_\_\_\_                                                           \_\_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_\_\_\_\_,  )

                        Plaintiff,                        )

                                                            )

            vs.                                            )           **MOTION TO QUASH**

                                                            )

\_\_\_\_\_\_\_\_\_,                  )

                        Defendant.                    )

            NOW COMES the Defendant, by and through her attorney \_\_\_\_\_\_\_\_of Rosen Divorce, and pursuant to Rule 45(c) of the Rules of Civil Procedure respectfully requests the Court quash or modify a subpoena previously served herein and respectfully shows the court:

1.                  The subpoena commands the Defendant to produce her credit card records from December \_\_\_,20\_\_\_\_\_\_\_ through \_\_\_\_\_\_, 20\_\_\_\_.

2.                  The Defendant has provided records to the Plaintiff from \_\_\_\_\_\_\_, 20\_\_\_\_\_ through the present.

3.                  The parties were married on \_\_\_\_\_\_, 20\_\_\_\_ Plaintiff has requested records for three years prior to the marriage, due to the short length of their marriage it is unlikely these records would have any value.

4.                  Defendant has no additional records in her possession and these records would have to be ordered from the credit card companies.

5.                  For these reasons, the subpoena is unreasonable and oppressive.

6.                  Movant prays that this verified motion be received as an affidavit.

WHEREFORE, the Defendant prays the Court quash or modify the subpoena by reducing the period of time for which the records must be generated and produced, unless the court orders Plaintiff to advance the reasonable costs of producing the records as currently commanded in her subpoena.

This the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_.

                                                                              \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                              Attorney for Defendant