

IN THE IOWA DISTRICT COURT
FOR POLK COUNTY

LISA KRAGNES, et al.

Plaintiff,

vs.

CITY OF DES MOINES, IOWA,

Defendant.

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Law No. 49273

DEFENDANT'S MOTION TO
QUASH SUBPOENA AND
FOR A PROTECTIVE ORDER

CLERK DISTRICT COURT

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POLK COUNTY IA

FILED

COMES NOW the Defendant, the City of Des Moines, pursuant to Iowa Rules of Civil Procedure 1.1701 and 1.504, and for its Motion to Quash Subpoena and for a Protective Order states:

1. On or about February 11, 2008, the Defendant received from the Plaintiff a Notice of Deposition (Records Only) accompanied by a subpoena in a civil case. (Notice and Subpoena attached as Exhibit A).
2. The Notice and Subpoena request records from an expert retained by the Defendant in the above case.
3. The Notice and Subpoena demand that the records be delivered from Minnesota to Plaintiff's office in Des Moines.
4. Previously the Plaintiff's attorney and the undersigned discussed the Plaintiff's attorney's visit to Minnesota to examine the records as is contemplated by the Iowa Rules of Civil Procedure.
5. At that discussion, the undersigned informed the Plaintiff's attorney that the expert, Springsted Incorporated, claimed a proprietary interest in certain processes and systems that it used in assisting the City in this case. Additionally, Springsted claimed certain trade secrets be contained in the material.

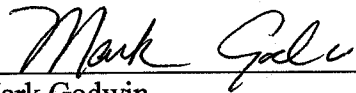
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STOLTZE & UPDEGRAFF, P.C.

6. The undersigned requested that the Plaintiffs agree to a consent protective order and the undersigned furnished a consent protective order to the Plaintiffs more than six months ago, namely on August 13, 2007. (Consent Protective Order and accompanying letter attached as Exhibit B).

7. In the six months that have passed between the discussions and the arrival of the subpoena, the Plaintiffs have not informed the undersigned of one legal reason why they will not agree to the Consent Protective Order. The only factual reason supplied is that this is a class action. (See e-mail attached as Exhibit C).

WHEREFORE, the City prays the Court set a date for hearing, quash the subpoena, issue a Protective Order like the Protective Order attached as Exhibit B, and for such other relief as is proper.



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ATTORNEY FOR DEFENDANT
CITY OF DES MOINES

Original Filed.

Copy to:

Brad Schroeder
Hartung & Schroeder LLP
Equitable Building, Suite 100
608 Locust Street
Des Moines, IA 50309
ATTORNEY FOR PLAINTIFF

PROOF OF SERVICE
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 2-15-08
By: U.S. Mail FAX
 Hand Delivered Overnight Courier
 Federal Express Other:
Signature Diane Roscoe

Bruce H. Stoltze
Stoltze & Updegraff, P.C.
P.O. Box 93295
300 Walnut, Ste. 260
Des Moines, IA 50393
ATTORNEY FOR PLAINTIFF