

NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
XX CvD XXXX

XXXXXXXXXXXXXXXXXXXXX,)
)
 Plaintiff,)
)
 v.)
)
XXXXXXXXXXXXXXXXXXXXX.,)
)
 Defendant.)

MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
SUBPOENAED BY DEFENDANT

NOW COMES Defendant by and through counsel, and moves the Court pursuant to The Privacy Act of 1974, 5 U.S.C. § 552(a), for the disclosure of certain of Plaintiff's payroll records by a Court of competent jurisdiction (5 U.S.C. 552a(b)(11)) and for an Order allowing William C. Franson, District Director of the U.S. Department of Labor, Jacksonville, Florida to release to counsel for Defendant those documents requested in the subpoenas issued to the U.S. Department of Labor concerning the payroll and other personnel records of Plaintiff, and, in support of his motion, respectfully shows unto the Court as follows:

1. This is an action for among other things, postseparation support, alimony and equitable distribution.
2. The Privacy Act of 1974, 5 U.S.C. § 552(a), allows the disclosure of a federal employee's personnel and payroll records when it is so ordered by a Court of competent jurisdiction (5 U.S.C. 552 a(b)(11)). Defendant respectfully asserts that the District Court of Forsyth County, North Carolina, is a Court of competent jurisdiction to hear all matters regarding postseparation support and alimony and that the production of the subpoenaed documents is relevant to the determination of the Plaintiff's ability to support herself and whether and to what extent she requires postseparation support and/or alimony; therefore, this Court shall order the disclosure of information required by the subpoenas issued by counsel for Defendant.

WHEREFORE Defendant respectfully prays that this Court issue an Order allowing William C. Franson, District Director of the U.S. Department of Labor, Jacksonville, Florida to make available to counsel of either party those materials requested in the attached subpoenas.

This the _____ day of _____, 2004.

Robin J. Stinson
State Bar ID # 12565
Attorney for Defendant

OF COUNSEL:

BELL, DAVIS & PITT, P.A.
635 West Fourth Street
Post Office Box 21029
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Telephone: (336) 722-3700

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a Motion to Compel Production of Documents Subpoenaed by Defendant upon _____, Attorney for Plaintiff, Robert L. Walter, Counsel for U.S. Department of Labor, and William C. Franson, District Director for U.S. Department of Labor, by hand delivery to _____ only and by depositing a copy of said Motion to Compel Production of Documents Subpoenaed by Defendant in an official depository of the United States Postal Service, properly addressed, and with proper postage thereon, addressed as follows:

_____, Attorney for Plaintiff

Robert L. Walter, Counsel
Mala L. Karr, Paralegal Specialist
U.S. Department of Labor
Atlanta Federal Center
61 Forsyth Street, S.W., Room 7T10
Atlanta, GA 30303

William C. Franson, District Director
U.S. Department of Labor, ESA/OWCP/FEC
214 North Hogan, Suite 1006
Jacksonville, FL 32202

This the ____ day of _____, 2004.

Robin J. Stinson
State Bar ID # 12565
Attorney for Defendant

OF COUNSEL:
BELL, DAVIS & PITT, P.A.
Post Office Box 21029
Winston-Salem, NC 27120
Telephone: (336) 722-3700