

2. Exxon's nonparty subpoenas should be quashed on multiple grounds. Among other grounds, the subpoenas: (1) violate PLG's First Amendment rights to freedom of association and to petition the government for redress; (2) seek to require disclosure of privileged and other protected matter; (3) the subpoenas are grossly overbroad; and (4) subject PLG to undue burden.

3. PLG further moves the Court for an order that under the circumstances of this motion, PLG should not be required to compile a privilege log because: (1) the subpoenas should be quashed on multiple, independent, grounds other than privilege; (2) the subpoenas on their face request law firm communications and files that obviously are protected by the attorney work product doctrine and/or attorney-client privilege, and thus the Court may evaluate the privilege claims without a privilege log; and (3) it would have been unduly burdensome to prepare a log in the time allowed, especially where Exxon unreasonably refused to give PLG an extension of any kind to respond to the subpoenas. PLG was thus forced to file this motion to quash.

4. PLG also moves the Court to "impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees," against Exxon and/or its counsel as required under Federal Rule of Civil Procedure 45(d)(1).

5. PLG expressly reserves its right to submit further argument and documentation in support of its request for sanctions once the Court has decided the motion to quash, including but not limited to, information sufficient to calculate reasonably attorney's fees and lost earnings.

6. Further grounds for the relief requested are set forth in PLG's accompanying Memorandum of Law submitted herewith.

7. Because Exxon unreasonably refused to give PLG an extension of any kind to respond to the subpoenas, PLG expressly reserves the right, if and as it may be necessary, to supplement this motion.

WHEREFORE, for the reasons set forth above and as further set forth in PLG's accompanying Memorandum of Law, PLG moves this Court for an order:

- (1) Quashing Exxon's nonparty subpoenas to the Pawa Law Group, P.C. and Matthew Pawa;
- (2) That under the circumstances of this motion, neither Pawa Law Group, P.C. nor Matthew Pawa are required to submit a privilege log;
- (3) Imposing an appropriate sanction against Exxon and/or its counsel under Federal Rule of Civil Procedure 45(d)(1), including but not limited to "lost earnings and reasonable attorney's fees";
- (4) That PLG is entitled to its costs, including reasonable attorneys' fees, incurred in filing this motion, to the full extent permitted by law; and
- (5) For such further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pawa Law Group, P.C. and Matthew Pawa hereby respectfully request oral argument on this motion.

Dated: November 23, 2016

Respectfully submitted,

PAWA LAW GROUP, P.C.
and,
MATTHEW PAWA

By their attorneys,

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**pro hac vice* application forthcoming

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I, Catherine S. Duval, one of the counsel of record for the Pawa Law Group, P.C. and Matthew Pawa, hereby certify as follows:

1. On November 18, 2016, I communicated with Justin Anderson, an attorney for Exxon Mobil Corporation (“Exxon”), and asked him for an extension until December 9, 2016, to respond to the subpoenas Exxon served upon the Pawa Law Group, P.C. and Matthew Pawa, two nonparties to litigation pending in the United States District Court for the Northern District of Texas.
2. I explained to Mr. Anderson that my clients needed the extension in light of the short timeframe for response, the breadth of the requests, and the upcoming Thanksgiving holiday. Mr. Anderson refused, on behalf of Exxon, to agree to any extension.
3. On November 22, 2016, I informed Mr. Anderson that the Pawa Law Group, P.C. and Matthew Pawa intended to move to quash the subpoenas served by Exxon. I explained our position that the subpoenas are invalid in their entirety and requested that Exxon withdraw them. Mr. Anderson refused. I asked for Exxon’s position on the motion to quash and Mr. Anderson informed me that Exxon opposed the motion to quash.

/s/ Catherine S. Duval

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**pro hac motion to be filed*

CERTIFICATE OF SERVICE

I, Michael L. Chinitz, hereby certify that on November 23, 2016 the foregoing document filed through the CM/ECF system was served by me upon the following counsel of record in the underlying case by email and by first-class mail:

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/s/ Michael L. Chinitz
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