

MC/

STATE OF MAINE  
CUMBERLAND, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. PORSC-CV-13-73

JAW - cum - 2/19/2014

STACY MAHONEY,

Plaintiff,

STATE OF MAINE  
Cumberland, ss, Clerk's Office

v.

FEB 19 2014

ORDER ON MOTION TO  
COMPEL RESPONSE TO  
SUBPOENAS

YORK HOSPITAL,

RECEIVED

Defendant.

This matter is before the Court on defendant's motion to compel responses to subpoenas served on third parties.

Defendant alleges that plaintiff was involved in placing a note on her former supervisor's car on September 26, 2013 that read: "How did it feel - not to get that InterMed job. See what evil gets you??" (DeLeon Aff. ¶ 6; Ex. G.) Plaintiff's former supervisor is expected to be a witness at trial. Defendant alleges that plaintiff and her friend Karyn Fisette conspired to place the note. To prove that plaintiff was involved in placing the note, defendant subpoenaed the following records:

1. Plaintiff's bank records from T.D. Bank from September 1 - October 31, 2013.
2. Security camera footage from the Bank of America branch at 218 York Street, York, Maine on September 26, 2013 between 4:00pm and 7:00pm and on October 3, 2013 between 5:00am and 7:00pm.
3. Karyn Fisette's phone records from Verizon Wireless from September 20 - October 10, 2013.
4. Plaintiff's phone records from AT&T from September 20 - October 10, 2013.

Plaintiff objects on the grounds that the requested records seek irrelevant evidence, constitute an invasion of privacy, and are overly broad.

The scope of discovery is any matter that is relevant to the pending action. M.R. Civ. P. 26(b)(1). Plaintiff has no interest in the records sought by requests two and three, and she therefore lacks standing to challenge those subpoenas. *See Oliver B. Cannon and Son, Inc. v. Fidelity and Cas. Co. of New York*, 519 F. Supp. 668, 680 (D. Del. 1981) (“As a general matter, a party has no standing to seek to quash a subpoena directed to one who is not a party.”). As to requests one and four, plaintiff does not claim that any of the requested documents are privileged, and the subpoenas do not subject plaintiff to an undue burden. If plaintiff did conspire to place the note on her former supervisor’s car, that evidence is relevant to defendant’s case. Thus, the subpoenas are targeted to produce relevant evidence and they are not objectionable.

The entry is:

Defendant’s motion to compel responses to subpoenas is GRANTED.

Dated: 2/18/14



---

Joyce A. Wheeler  
Justice, Superior Court

Plaintiff Mahoney-Guy Loranger Esq  
Defendant-Robert Brooks Esq/Benjamin Ford Esq