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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRYLYN MCCAIN,  
Plaintiff,  
v.  
MANGHAM, et al.,  
Defendants.

No. 2:11-cv-01265-KJM-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). Currently pending before the court are plaintiff’s (1) December 7, 2015, motion to quash; (2) December 9, 2015, motion to quash; (3) and January 4, 2016, motion for clarification. The court will deny plaintiff’s motions because they are based on a fundamental misconception, that her California Department of Motor Vehicle (DMV) records are irrelevant to this litigation.

Under the Federal Rules of Civil Procedure, a party may “obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense . . . .” Fed. R. Civ. P. 26(b)(1). Relevancy is construed broadly to encompass “any matter that bears on, or that reasonably could lead to other matter[s] that could bear on any issue that is or may be in the case.” Chavez v. DaimlerChrysler Corp., 206 F.R.D. 615, 619 (S.D. Ind. 2002) (internal quotations omitted). Where a non-party possesses potentially relevant information, the party seeking discovery may obtain a subpoena for the evidence pursuant to Rule 45. “The same broad

1 scope of discovery set out in Rule 26 applies to the discovery that may be sought pursuant to Rule  
2 45.” AF Holdings LLC v. Does 1–1,058, 286 F.R.D. 39, 46 (D.D.C. 2012) (citing Watts v.  
3 S.E.C., 482 F.3d 501, 507 (D.C. Cir. 2007)). Any party that issues a subpoena must, however,  
4 “take reasonable steps to avoid imposing undue burden or expense on a person subject to the  
5 subpoena.” Fed. R. Civ. P. 45(d)(1). In addition, the court may modify or quash a subpoena that  
6 “requires disclosure of privileged or other protected matter” or “subjects a person to undue  
7 burden.” Fed. R. Civ. P. 45(d)(3)(A).

8 Although plaintiff’s motions to quash are somewhat unclear, they seem to request that the  
9 court quash subpoenas issued by defendants Mike’s Towing Service and Michael D. Olivarez  
10 (“Towing Defendants”) for her DMV records. ECF Nos. 194, 195. Plaintiff’s motions describe  
11 these subpoenas as if they were served upon her; however, the Towing Defendants opposition  
12 asserts they were served upon the DMV itself. ECF No. 200 at 5. Plaintiff claims that these  
13 subpoenas should be quashed because the documents they seek are confidential and, in any case,  
14 irrelevant to her civil rights claims against defendants. ECF Nos. 194, 195. Plaintiff also claims  
15 that the Towing Defendants’ request poses an undue burden upon her in light of her incarcerated  
16 status. Id.

17 First, plaintiff is incorrect that her DMV records are irrelevant to this matter. Although  
18 plaintiff’s complaint alleges few facts, it is clear that her claims are based on a March 14, 2011,  
19 traffic stop initiated by defendant Mangham (“Officer Mangham”). ECF No. 106 at 7. As a  
20 result of that traffic stop, plaintiff was arrested and transported to San Joaquin County Jail on a  
21 number of “administrative traffic infractions.” Id. at 9. For the Towing Defendants’ part, they  
22 assert that plaintiff was arrested and her vehicle was impounded because of an ongoing criminal  
23 enterprise. ECF No. 200 at 2–3. According to the Towing Defendants, prior to plaintiff’s arrest  
24 she regularly drove without a driver’s license or registration with the intention of being pulled  
25 over. Id. Once she was pulled over and her vehicle was impounded, plaintiff would send an  
26 “invoice” to the tower purporting to bill for claimed loss of use of the vehicle. Id. Plaintiff would  
27 then fraudulently claim withheld income to the IRS based on these “invoices” to obtain tax  
28 refunds. Id.

1 Based on this understanding of the facts surrounding plaintiff's claims, the Towing  
2 Defendants have requested the registration history of plaintiff's vehicle in order to establish  
3 undisputed facts to be used in a motion for summary judgment. Id. at 4–5. Specifically, the  
4 Towing Defendants' subpoena requests

5 Registration history, for the last 10 years, of the following vehicle:  
6 194 Jaguar XJS, CV, Vin SAJNX27ORC191129; including time  
7 when Registered owner was: White Panther Fincl Trst, David H  
Putnam, Trustee, 2561 Beecher Rd., Stockton, CA, 95215 and/or  
TerryLyn McCain 2549 N. Beecher Rd., Stockton, CA 95215.

8 Id. at 5; ECF No. 194, Exhibit B-3.

9 In summary, plaintiff claims that she was wrongfully arrested in violation of the Fourth  
10 Amendment. The Towing Defendants, however, assert that she was properly arrested for failure  
11 to register her vehicle, driving without a license, and engaging in a criminal enterprise. In light of  
12 the Towing Defendants' version of the facts, the registration history of plaintiff's vehicle is  
13 clearly relevant to plaintiff's claims.

14 Second, the disclosure of the registration history of plaintiff's vehicle would not be unduly  
15 burdensome, nor would it violate plaintiff's rights to privacy. With regards to plaintiff's  
16 burdensome objection, the Towing Defendants' discovery request cannot have burdened plaintiff  
17 because it was not directed at her. What's more, plaintiff cannot assert any right to privacy to her  
18 vehicle's registration history, especially in light of the foregoing allegations. For one, plaintiff  
19 does not offer any authority in support of the proposition that she has a privacy interest in her  
20 vehicle's registration history. In addition, by asserting she was wrongfully arrested on charges  
21 involving her failure to register her vehicle, plaintiff has put the registration of her vehicle in  
22 issue. Accordingly, she cannot now object that her vehicle registration records are off limits.

23 Finally, it is unclear what plaintiff's self-styled motion for clarification of scope of  
24 pending action seeks, but it seems to request that the court bar defendants from requesting  
25 documents related to plaintiff's DMV records based on the contention that they are irrelevant to  
26 her claims. ECF No. 207. For reasons the court has already stated, plaintiff's contention is  
27 incorrect and the court will issue no such order.

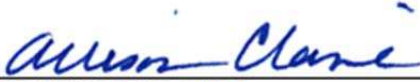
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In accordance with the foregoing, THE COURT HEREBY ORDERS that:

1. Plaintiff's motions to quash, ECF Nos. 194, 195, are DENIED; and
2. Plaintiff's motion for clarification, ECF No. 207, is DENIED.

DATED: January 12, 2016

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE