

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

_____	:	
ANDREW PERLMUTTER	:	
	:	
	:	
Plaintiff,	:	Misc.
	:	
v.	:	
	:	
REED ELSEVIER, INC. DBA	:	
LEXISNEXIS	:	
	:	January 29, 2008
Defendants,	:	
_____	:	
	:	
MONICA ALBANO,	:	
	:	
Movant	:	
_____	:	

EMERGENCY MOTION FOR PROTECTIVE ORDER
AS TO MONICA ALBANO

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, movant Monica Albano (“Ms. Albano”) files this Motion for Protective Order in connection with the subpoena directed to her dated January 8, 2008 seeking a deposition and documents. The deposition is currently scheduled to proceed on January 31, 2008 at 10am. A copy of the Subpoena is attached hereto as Exhibit A.¹ The subpoena was issued to Ms. Albano at her work address and seeks discovery relating to negotiations and offers relating to Vertrue, Inc., My Choice Medical Holdings, Inc.

ORAL ARGUMENT REQUESTED

and My Choice Medical, Inc. Defendant, Reed Elsevier, Inc. dba LexisNexis (“Defendants”) have confirmed that the subpoena is directed to Ms. Albano in her personal capacity not in her capacity as an employee of Vertrue, Inc.² However, to protect her rights, Ms. Albano files this motion for protective order.

The proposed deposition of Ms. Albano is not reasonably calculated to lead to the discovery of admissible evidence. Therefore, Ms. Albano believes justice requires that she be protected from annoyance, oppression, and undue burden and expense by a protective order from this Court limiting the scope of disclosure and discovery to those non-corporate matters directly relevant to the proceedings.

Pursuant to Local Civil Rule 37 the Affidavit of the undersigned is attached hereto. In accordance with Local Civil Rule 7, and in further support of the above, a memorandum of law is filed herewith.

Wherefore the Ms. Albano moves for a protective order limiting the scope of disclosure and discovery of the subpoena as articulated in the attached Proposed Protective Order.

¹ The underlying action is currently pending before the United States District Court for the Northern District of Georgia Atlanta Division.

² On information and belief, at or around the time Defendant issued the subpoena to Ms. Albano, it issued a separate subpoena to Vertrue, Inc. (Vertrue is the parent company for My Choice Medical Holdings, Inc.). On information and belief, Vertrue, Inc. objected to the discovery sought in the subpoena. Defendant and Vertrue, Inc. have not yet resolved those objections.

**MOVANT,
MONICA ALBANO**

/s/

Stephanie A. McLaughlin

Connecticut Juris No. 22774

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion for Protective Order, with attached Subpoena, Memorandum of Law, Proposed Order and Affidavit were sent via electronic mail and first-class mail, postage pre-paid, on the 29th day of January, 2008 to counsel of record in the underlying action:

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/s/
Stephanie A. McLaughlin