

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 06-11370 MLW
REED ELSEVIER INCORPORATED,)	
d/b/a LexisNexis, Lexis Nexis Risk &)	
Information Analytics Group, Inc.,)	
)	
Defendant.)	

**MEMORANDUM OF DECISION AND ORDER ON
DEFENDANT’S MOTION TO QUASH PLAINTIFF’S
THIRD-PARTY SUBPOENA ISSUED TO “THOMAS J. QUINN,
CHAIRPERSON, MAINE BOARD OF BAR EXAMINERS”**

October 12, 2007

DEIN, U.S.M.J.

I. INTRODUCTION

Proceeding pursuant to Fed. R. Civ. P. 26(c), defendant Reed has moved to quash plaintiff Varad’s subpoena, dated July 11, 2007, issued to Thomas J. Quinn (“Quinn”), Chairman of the Maine Board of Bar Examiners (“MBBE”). (See Docket No. 58). The subpoena, issued by the United States District Court for the District of Maine, commanded Quinn to appear for a deposition at MBBE’s Augusta, Maine office on August 1, 2007, and to bring documents pertaining to MBBE’s relationship with Reed and to MBBE’s examination and scoring methods. (See Reed’s Mot. Ex. A). Reed has objected to the subpoena on the grounds that: (1) the discovery sought by Varad is not

relevant to the claims raised in the underlying litigation; and (2) the subpoena was untimely in that it sought a deposition scheduled to occur over two weeks after the close of discovery. (See Reed's Mot. at 1). This court agrees and the motion to quash, properly considered as a motion for a protective order, is ALLOWED.

II. ANALYSIS

Reed has brought its motion pursuant to Fed. R. Civ. P. 26(c), which authorizes a party to seek a protective order that "discovery not be had" when justice requires such an order "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed. R. Civ. P. 26(c)(1). In the instant case, Varad is seeking documents and testimony which are irrelevant to the underlying litigation. This court has denied Varad's motion to join MBBE as a party. (See Docket No. 65). Moreover, much of the information Varad is seeking relates to MBBE's alleged unfair examination grading and scoring techniques, which Varad claims caused her to receive a failing score on the Maine Bar Examination. Such information has no bearing on Varad's claims against Reed for its alleged publication of a single false address inconsistent with personal information that she had provided to MBBE. In addition, MBBE has attested to this court that it did not receive any information concerning Varad from Reed, and Varad has not put forth any evidence to call this assertion into question. Finally, the discovery is not appropriate as this court has previously ordered that fact discovery be completed by July 13, 2007, but the deposition was not scheduled to go forward until August 1, 2007.

