

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRENDA WILLIAMS,

Plaintiff,

vs.

Civil Action 2:10-CV-1155
Judge Marbley
Magistrate Judge King

FRANKLIN COUNTY MUNICIPAL
COURT, et al.,

Defendants.

ORDER

On December 5, 2011, the Court conferred with counsel for the parties and movants regarding the motions to quash, Doc. Nos. 21, 28.

Plaintiff has issued a documents subpoena to the Ohio Disciplinary Counsel, seeking production of

[a]ll documents relating to complaints made naming Judge Harland Hale . . . made by Brenda Williams, Teresa Berry, or any other person, . . . relating to any investigation conducted . . . in response to complaints . . . , relating to any actions, recommendations or other communications by [the Office of Disciplinary Counsel] to Hale or any other office or entity . . . [and] related to communications with the Franklin County Municipal Court or the Office of the Columbus City Attorney regarding allegations against Hale

Subpoena, attached as Exhibit A to *Motion to Quash Subpoena of Jonathan E. Coughlan*. In the Court's estimation, to the extent that the information sought by the subpoena is relevant to the substance of plaintiff's claims, that information is available to plaintiff from other sources, including plaintiff herself. Plaintiff also contends that the information sought by the subpoena relates to the credibility of plaintiff or other witnesses; however, the credibility of such witnesses has not thus far been challenged in this litigation. Under

these circumstances, and without determining whether such information is otherwise immune from discovery, the Court **GRANTS** the *Motion to Quash Subpoena of Jonathan E. Coughlan*, Doc. No. 21. See Fed. R. Civ. P. 26(b)(2)(C)(i), (iii).

Plaintiff also apparently issued a deposition subpoena to Judge Harland Hale, who moves to quash the subpoena based on (1) the circumstances under which the subpoena was served, (2) the inconvenience of the date of the deposition, (3) the possibility that Judge Hale might, in the future, be subject to a burdensome re-deposition and (4) the confidentiality of the anticipated areas of inquiry. During the course of the conference, counsel for plaintiff represented that he will not, during the course of the deposition, make inquiry violative of the confidentiality provisions of the parties' settlement agreement; plaintiff also agreed that the deposition and the transcript of the deposition will be maintained in confidence pending final resolution of that issue by the Court. Under these circumstances, it is **ORDERED** that the deposition of Judge Harland Hale will proceed at the offices of Judge Harland's counsel between December 26, 2011 and December 29, 2011, the precise date to be agreed upon by the parties. The information adduced during the course of the deposition, as well as the transcript of the deposition, will be temporarily maintained in confidence by the parties on the express condition that, no later than sixty (60) days after the filing of any motion for summary judgment, the deponent - upon motion and for good cause shown - establishes that the deposition should be permanently sealed.

This order resolves the motions reflected at Doc. Nos. 21, 28.

The Clerk shall remove those motions from the Court's pending motions list.

December 5, 2011

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

