

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FLORENCE WALLACE, et al.,

Plaintiffs,

v.

ROBERT J. POWELL, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-286

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CONWAY, et al.,

Plaintiffs,

v.

MICHAEL T. CONAHAN, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0291

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

H.T., et al.,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0357

(JUDGE CAPUTO)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMANTHA HUMANIK,

Plaintiff,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0630

(JUDGE CAPUTO)

MEMORANDUM ORDER

Before me is the Motion to Quash Defendant Robert Powell's ("Powell") Subpoenas Directed to Gregory Zappala ("Zappala"), William Brucker ("Brucker"), and Patrick Owens ("Owens"). (Doc. 1607.) The subpoenas command Zappala, Brucker, and Owens to appear to testify at trial in this action on January 12, 2015. Zappala, Brucker, and Owens are directed to bring "[a]ny records reflecting that you ever believed at the time of placement that juveniles in PACC or WPACC facilities had been deprived of their civil rights." (Doc. 1607, Exs. 1-3.) Zappala and Brucker are also directed to bring "[a]ny documentation relating to or referring to the meeting referenced . . . on p. 67, line 8 et seq." of Zappala's September 18, 2014 deposition. (*Id.* at Exs. 1-2.) Lastly, Brucker is instructed to bring "[a]ll correspondence from you to the media related to the allegations of this case and the related criminal investigations involving Judge Ciavarella, including without limitation emails from you in response to media inquiries." (*Id.* at Ex. 2.) In seeking to quash the subpoenas, Zappala, Brucker, and Owens raise, among other arguments, that the requests seek privileged and/or irrelevant information and will subject them to undue burden.

The motion to quash will be denied. With respect to documents reflecting any belief at the time of placement that juveniles in the PACC or WPACC facilities had been deprived of their civil rights, the request is narrow and unambiguous. Moreover, Powell's request

does not seek inadmissible legal opinion evidence, nor is the request unduly burdensome.

Second, the motion to quash the request for documents relating to a spring 2009 meeting on privilege grounds will be denied at this time. Rather, I will review these documents *in camera* to determine whether they are entitled to work product protection. Zappala and Brucker shall submit such documentation for review on or before January 12, 2015.

Lastly, Brucker's request to quash the subpoena relating to correspondence with the media will be denied. Brucker indicates that only one correspondence is responsive to this request. Therefore, the subpoena is not unduly burdensome.

Accordingly, **IT IS HEREBY ORDERED** that the Motion to Quash Defendant Robert Powell's Subpoenas Directed to Gregory Zappala, William Brucker, and Patrick Owens (Doc. 1607) is **DENIED**. Zappala and Brucker shall submit documentation relating to the spring 2009 meeting for *in camera* review on or before **January 12, 2015**.

Date *January 6, 2015*


A. Richard Caputo
United States District Judge