

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

SHAWN E. CANTY

NO. 2019 CW 1515

VERSUS

JOSE G. BARRAGAN, VENTURE
TRANSPORT LOGISTICS AND
ZURICH NORTH AMERICAN
INSURANCE COMPANY

DECEMBER 19, 2019

In Re: Jose G. Barragan, Venture Transport Logistics and Zurich North American Insurance Company, applying for supervisory writs, 16th Judicial District Court, Parish of St. Mary, No. 123466.

BEFORE: HIGGINBOTHAM, PENZATO, AND LANIER, JJ.

WRIT GRANTED. We find that the trial court abused its discretion in granting the Motion to Compel Responses the Subpoena Duces Tecum for Dr. Christopher Cenac Sr., M.D., LLC's complete business tax returns and 1099s from 2014 to 2018 and reverse this portion of the trial court's November 8, 2019 judgment. A showing of relevancy and good cause is required for the subpoena of a non-party's records. **Stolzle v. Safety & Systems Assur. Consultants, Inc.**, 2002-1197 (La. 5/24/02), 819 So.2d 287, 289 (per curiam). The tax information and returns requested in the Subpoena Duces Tecum are confidential and personal in nature, and courts of this state have required that the requestor show whether the information could be obtained in a less intrusive manner. **Id.**; **Bianchi v. Pattison Pontiac Co.**, 258 So.2d 388, 390 (La. App. 4th Cir. 1972) ("the party seeking the income tax return must clearly establish good cause for its production by showing the unavailability of the information from other sources and, further, by relating its need to the issues in dispute"). Also see **In re Protest of Dow Chem. Co.**, 458 So.2d 955 (La. App. 1st Cir. 1984) (allowing "unlimited discovery solely on factually unsupported general allegations would render the confidentiality of the records meaningless"). Plaintiff has failed to show relevancy and good cause for the production of the requested documents from the non-party at this time. Accordingly, the Motion to Quash the Subpoena Duces Tecum as to Dr. Christopher Cenac Sr.'s 1099s from all insurance companies and for complete tax returns from business for years 2014 through 2018 is granted.

TMH
AHP
WIL

COURT OF APPEAL, FIRST CIRCUIT



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FOR THE COURT