

VERMONT SUPERIOR COURT
CHITTENDEN UNIT
CIVIL DIVISION

HEATHER CASTO, Petitioner	
v.	Docket No. 65-1-17 Cncv
GRANT ASSURANCE CORP., Respondent	

RULING ON PETITION FOR OUT OF STATE SUBPOENA

By request filed January 24, 2017, Petitioner (the plaintiff in a Michigan civil action, 15-007070-NO), presented a subpoena seeking to compel the appearance of a Vermont resident (Andrew Beerwoth, an attorney for Respondent Grant Assurance Corporation) in Bloomfield Hills, Michigan on February 10, 2017 at 1:00 pm. However, Petitioner's request is unaccompanied by citation to any legal authority empowering this court to grant such relief.

The Vermont Rules of Civil Procedure incorporate the Uniform Interstate Depositions and Discovery Act, which "governs depositions and discovery conducted *in Vermont* in connection with a civil action brought in another state." V.R.C.P.45(f) (emphasis added). But Rule 45(f) does not contemplate an order issued by a Vermont court compelling a citizen of Vermont to submit to the authority of another state, except for the limited purpose of making discovery *within the State of Vermont*. See Wilcox v. Fish, No. 310-7-14 Wm cv, 2014 WL 6852886, *1 (Vt. Super. July 15, 2014) (Wesley, J.); see also Smith v. Antonicci, No. 827-9-16 Cncv (Vt. Super. Sept. 30, 2016) (Mello, J.). If the subpoena directed Beerwoth to appear in Vermont with the requested documents, the court could approve it pursuant to Rule 45(f). As it is currently written, however, the court cannot do so.

Order

The request for an out of state subpoena is denied as outside the court's jurisdiction. Petition dismissed.

Dated at Burlington this 30th day of January, 2017.

Robert A. Mello
Superior Court Judge