

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

O. JOHN BENISEK, *et al.*,

Plaintiffs,

v.

LINDA H. LAMONE, *et al.*,

Defendants.

*

*

*

Case No. 13-cv-3233

*

*

*

* * * * *

**MOTION FOR PROTECTIVE ORDER AND TO QUASH NON-PARTY
DEPOSITION SUBPOENAS SERVED ON THOMAS V. MIKE MILLER, JR.,
MICHAEL E. BUSCH, JEANNE HITCHCOCK, AND RICHARD STEWART**

For the reasons stated in the accompanying memorandum, Thomas V. Mike Miller, Jr., President of the Maryland Senate, Michael E. Busch, Speaker of the Maryland House of Delegates, Jeanne Hitchcock, and Richard Stewart, through counsel, move for a protective order and to quash the non-party deposition subpoenas served on them by the plaintiffs, on the ground that their legislative privilege against compulsory evidentiary process protects them from being compelled to testify in this matter about their legislative activity. Further, the deposition subpoenas served on President Miller and Speaker Busch are unduly burdensome and should be quashed for that reason as well.

A proposed order is attached.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

Dated: January 9, 2017

_____/s/____Jennifer L. Katz_____
JENNIFER L. KATZ (Bar No. 28973)
SARAH W. RICE (Bar No. 29113)
Assistant Attorneys General
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
(410) 576-7005 (tel.); (410) 576-6955 (fax)
jkatz@oag.state.md.us

KATHRYN ROWE (Bar No. 09853)
Assistant Attorney General
104 Legislative Services Building
90 State Circle
Annapolis, Maryland 21401
(410) 946-5600 (tel.); (410) 946-5601 (fax)
krowe@oag.state.md.us

Attorneys for Thomas V. Mike Miller, Jr.,
Michael E. Busch, Jeanne Hitchcock, Richard
Stewart