

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

BRENDA BAILLARGEON :
 :
 v. : C.A. No. 07-271S
 :
 DRUG ENFORCEMENT :
 ADMINISTRATION :

MEMORANDUM AND ORDER

Pending before the Court for determination (28 U.S.C. § 636(b)(1)(A); LR Cv 72(a)) are two Motions to Quash filed by Plaintiff. (Document Nos. 73 and 74). Defendant DEA objects. (Document No. 77). A hearing was held on September 14, 2010. For the following reasons, Plaintiff's Motions to Quash are GRANTED.

Background

This case started out as a seven-count Complaint alleging that the DEA and its employees and agents violated the Constitution and other federal and state laws when the revocation of Plaintiff's "security" clearance by the DEA allegedly resulted in the loss of her job as an Asset Forfeiture Specialist with Forfeiture Support Associates ("FSA"). FSA is a private Government contractor engaged by the DEA. Following two rulings by Judge Smith on Rule 12 dispositive motions filed by Defendants, Plaintiff's case has been narrowed down to a single claim against the DEA. See Baillargeon v. DEA, 638 F. Supp. 2d 235 (D.R.I. 2009) and Baillargeon v. DEA, No. 07-271S, 2010 WL 1490839 (D.R.I. April 12, 2010). In particular, the sole remaining count is a claim for injunctive relief only as to the DEA for the alleged violation of Plaintiff's right to procedural due process in depriving her of the right to follow her chosen profession. See Baillargeon, 638 F. Supp.

2d at 244.

Discussion

In these Motions, Plaintiff seeks to quash document subpoenas served on two of her former employers. The subpoenas are directed at East Coast Closing & Title (c/o Keith A. Heroux, Esq.) and the Law Offices of Raymond Mansolillo, Esq. It appears that Plaintiff worked as a paralegal for each entity for a period after her termination from employment with FSA. Plaintiff contends that the scope of the documents requested is overly broad and harassing to the extent the subpoenas seek personnel records containing confidential and/or medical information. The DEA counters that the documents are relevant to determining whether these jobs were in Plaintiff's "chosen profession" and also for "credibility purposes given Plaintiff's misrepresentation in her workers' compensation claim that she was unable to work due to stress." (Document No. 77 at p. 3).

The DEA has made absolutely no effort to tailor its subpoenas to potentially relevant documents, and it is not the Court's role to do so for it. Both subpoenas demand production of "[a]ny and all documents relating to Brenda Baillargeon, including but not limited to the following [listed personnel records]." (Document Nos. 77-1 and 77-2). (emphasis added). However, the subpoena is not limited to personnel records and is not in any way limited in time or scope. In addition, the term "documents" is defined to include electronic documents and thus the broad request for "any and all documents relating to Brenda Baillargeon" would, for instance, arguably extend to all email communications on the former employer's computer system to and/or from Plaintiff potentially including personal email communications unrelated to this case, as well as privileged communications since the former employers are attorneys. As to the impeachment issue, the DEA has not provided any detail as to the substance or timing of Plaintiff's alleged "misrepresentation"

or anything to suggest that either of the subpoenaed former employers were employing Plaintiff while she was claiming inability to work in a workers' compensation proceeding. Again, however, the primary issue is the overly broad request for "any and all documents relating to Brenda Baillargeon" which goes well beyond any documents potentially relevant to the narrow claims and defenses remaining in this case including the potential impeachment issue.

Accordingly, for the foregoing reasons, Plaintiff's Motions to Quash (Document Nos. 73 and 74) are GRANTED.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
September 17, 2010