STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re Thomas Melone	)	PRB No. 25-120
	)	
	)	January 14, 2026

RESPONDENT'S MOTION TO COMPEL CAROLYN ANDERSON TO COMPLY WITH SUBPOENA

Respondent THOMAS MELONE ("Respondent") served a subpoena on Carolyn Anderson, *see* **EXHIBIT 1.** Carolyn Anderson has failed to fully comply with the subpoena. Her response indicating that she has no intention to fully comply is attached as **EXHIBIT 2**.

Respondent hereby moves the Hearing Panel to compel Carolyn Anderson's full compliance with the subpoena.

The subpoena requests:

1. For the period from January 1, 2025, to December 5, 2025, all [communications] to or from, or concerning, mentioning, or relating to any of (i) Thomas Melone, (ii) Michael F. Hanley, (iii) Merrill Bent, (iv) Paul Perkins, and/or a solar energy electric generating facility located in, or proposed to be located in Bennington, Vermont.
2. For the period of January 1, 2024, to December 5, 2025, all documents appointing you as Chair of the Professional Responsibility Board.

Ms. Anderson provided sufficient documentation related to Request #2. As to Request #1, she provided the letter dated May 20, 2025, to Mr. Hanley from Merrick Grutchfield.

Ms. Anderson's objection to the subpoena states:

> Chair Anderson objects, pursuant to V.R.C.P. 45(c)(2)(B), to the request in your subpoena on the basis that the request imposes an undue burden by seeking information of limited or non-existent relevance, is directed to Ms. Anderson individually when it should be directed to the Board, and because it seeks information that is privileged and protected by quasi-judicial immunity in as much as it seeks information regarding the Board's supervision of the disciplinary hearing process involving your case. In addition, Chair Anderson objects on the basis that the hearing panel has ordered that the time to return documents for your subpoenas has been stayed pending resolution of the motions to quash pending in the disciplinary case.
>
> Firstly, the information you seek is of limited or no relevance to this matter, and therefore the burden of searching for responsive documents, screening them for relevance and privilege and producing them to you is undue. The disciplinary violations alleged against you are spelled out in the Petition of Misconduct. The information you seek is not relevant to those charges or to any cognizable defense to the charges.

Second, to the extent any of that information could be relevant, it is in the custody of the Professional Responsibility Board, not Ms. Anderson individually. Any subpoena should be directed to the Board itself.

Third, absolute judicial immunity applies to officials who act in a quasi-judicial capacity and extends to protection against discovery related to the exercise of an official's quasi-judicial duties. *See In re Lickman*, 304 B.R. 897, 903 (Bankr. M.D. Fla. 2004) ("The policy behind immunity does not merely extend to suits, it also extends to protection against discovery. If judicial immunity were applicable, then it would be senseless and disruptive to allow for discovery."); *see also LeClerc v. Webb,* No. CIV.A. 03-664, 2003 WL 21026709, at 6 (E.D. La. May 2, 2003) ("[T]he protection afforded government officials by the doctrines of absolute and qualified immunity would be greatly depreciated if it did not include protection from discovery." (citing *Harlow v. Fitzgerald,* 457 U.S. 800, 816–18 (1982))).

The immunity extends to documents or testimony aimed at discovering a judicial officer's mental process used in decision-making. *See U.S. v. Roth*, 332 F. Supp. 2d 565, 567 (S.D.N.Y. 2004), *aff'd sub nom. U.S. v. St. John*, 267 F. App'x 17 (2d Cir. 2008) ("Judges are under no obligation to divulge the reasons that motivated them in their official acts; the mental processes employed in formulating the decision may not be probed." (internal quotations omitted); *id*. ("[A]llowing an examination of a judge's mental processes would be 'destructive of judicial responsibility' and such scrutiny cannot be permitted." (quoting *U.S. v. Morgan*, 313 U.S. 409, 422 (1941))).

The communications of Chair Anderson with other Board members, with the PRB staff, or with disciplinary or conflict disciplinary counsel related to the PRB's exercise of its quasi-judicial function are privileged and immune from discovery. Chair Anderson, therefore, objects to your subpoena.

Ms. Anderson did not timely file a motion to quash the subpoena.

As a threshold matter, the AG's objection on Carolyn Anderson's behalf raises two issues.

First, is the AG is statutorily empowered to represent Carolyn Anderson?

3 V.S.A. § 152. Scope of authority, provides:

The Attorney General may represent the State in all civil and criminal matters as at common law and as allowed by statute. The Attorney General shall also have the same authority throughout the State as a State's Attorney. The Attorney General shall represent members of the General Assembly in all civil matters arising from or relating to the performance of legislative duties.

Notably, there is no provision for the AG to represent a member of the judicial branch.

3 V.S.A. § 157. Appearance for State, provides:

The Attorney General shall appear for the State in the preparation and trial of all prosecutions for homicide and civil or criminal causes in which the State is a party or is interested when, in his or her judgment, the interests of the State so require. The Attorney General shall represent members of the General Assembly in all civil causes arising from or relating to the performance of legislative duties.

Notably, there is no provision for the AG to represent a member of the judicial branch in that section either. Rather, only members of the executive and legislators are covered.

4 V.S.A. §908 establishes a fund to offset the cost of operating the Professional Responsibility Board (presumably including legal representation). And, in her individual capacity, which is what the AG's objection seems to be focused on (at least in part),[1] there does not appear any authorization for the AG to represent her.

Second, the AG has stated that Carolyn Anderson is acting in a "judicial" capacity as Chair of the Professional Responsibility Board. Assuming, *arguendo*, that were true (which Respondent argues below it was not), then she would have been required to disqualify herself from any participation related to case against Respondent because according to her LinkedIn page, *see* https://www.linkedin.com/in/carolyn-anderson-54954b61/, she is Chief Compliance Officer and Associate General Counsel at Green Mountain Power Corporation ("GMP") (although as shown in the attached response to the subpoena, the Attorney General has stated that she is no longer employed by GMP. But even so, she was adverse to Respondent in active litigation at various times, likely relevant times.

ARGUMENT

"[T]he purpose of discovery is to provide a mechanism for making relevant information available to the litigants." *Lozano v. Maryland Cas. Co*., 850 F.2d 1470, 1473 (11th Cir. 1988). "Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation. To that end, either party may compel the other to disgorge whatever facts he has in his possession." *Hickman v. Taylor*, 329 U.S. 495, 507, 67 S. Ct. 385 (1947). Broad discovery helps "make a trial less a game of blind man's bluff and more a fair contest with the basic issues and facts disclosed

[1] *See* Obj. at 2 ("to the extent any of that information could be relevant, it is in the custody of the Professional Responsibility Board, not Ms. Anderson individually. Any subpoena should be directed to the Board itself.") There is another issue with that objection, which is that Carolyn Anderson does not seem to use an email address owned by the State or the PRB, but uses a gmail address— canders12345@gmail.com.

to the fullest practicable extent." *United States v. Procter & Gamble Co*., 356 U.S. 677, 682, 78 S. Ct. 983 (1958).

A.O. 9, Rule 19(A)(2) provides the Respondent with the right "[a]fter a petition .. is filed [to] compel by subpoena … the production of pertinent books, paper, and documents." A.O. Rule 20(B) provides that "[e]xcept as otherwise provided in these rules, the Vermont Rules of Civil Procedure" apply. V.R.C.P. 45(a)(l)(C) states that a subpoena may "command each person to whom it is directed … to produce and permit inspection, copying, testing, or sampling of designated books, documents, electronically stored information, or tangible things in the possession, custody or control of that person ." V.R.C.P. 45(c) provides that "a person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises *need not appear in person* at the place of production on inspection [emphasis added] unless commanded to appear for deposition, hearing or trial." (emphasis added)

V.R.C.P. 45(d)(2)(A) requires that privilege claims must be "made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim." Ms. Anderson failed to do that. Instead, she offers boilerplate objections that courts reject.

Carolyn Anderson, Chair of the Professional Responsibility Board, testified before the Vermont the Senate Government Operations Committee on April 1, 2025. There she testified that the only information not obtainable after a complaint has been made public is that disciplinary counsel's work-product that might be protected by the work-product doctrine, *see* https://www.youtube.com/watch?v=LAECMbVFSxA (beginning in relevant part at 1:23:00). In other words, according to Carolyn Anderson, all documents in her possession or control for which she has not made a proper claim of work-product privilege are considered public and should have been produced by her.

I. MS. ANDERSON'S CLAIMS OF PRIVILEGE ARE WAIVED DUE TO FAILURE TO PROPERLY MAKE THEM.

Privilege is construed narrowly because it blocks the discovery of relevant information. *United States v. Mejia*, 655 F.3d 126, 132 (2d Cir. 2011). *Id.* The party asserting the privilege bears the burden of establishing privilege. *Mejia*, 655 F.3d at 132. "[P]rivilege 'stands in derogation of the public's "right to every man's evidence."'" *Exp.-Imp. Bank of the U.S. v. Asia Pulp & Paper Co., Ltd*., 232 F.R.D. 103, 114 (S.D.N.Y. 2005) (quoting *In re Horowitz*, 482 F.2d 72, 81 (2d Cir. 1973) (quoting 8 Wigmore, Evidence § 2192 (McNaughton rev. 1961), at 70)).

V.R.C.P. 45(d)(2)(A) requires that privilege claims must be "made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim." Ms. Anderson failed to do that, accordingly the claim of privilege is waived. Instead, she offers boilerplate objections that courts reject. While Ms. Anderson makes a broad brush claim of what she calls "quasi-judicial" immunity, she offers an insufficient explanation of how every single one of her requested communications relating to (i) Thomas Melone, (ii) Michael F. Hanley, (iii) Merrill Bent, (iv) Paul Perkins, and/or a solar energy electric generating facility located in, or proposed to be located in Bennington, Vermont, are possibly covered by the alleged privilege.

Ms. Anderson's claims of privilege are also waived because she failed to provide a privilege log. *Jansson v. Stamford Health, Inc*., 312 F. Supp. 3d 289, 299 (D. Conn. 2018), *reconsideration denied*, No. 3:16-CV-260 (CSH), 2018 U.S. Dist. LEXIS 86959, 2018 WL 2357271 *35-36 (D. Conn. May 24, 2018) ("A party's right to assert and succeed upon of a claim of privilege is conditioned upon its filing 'an adequately detailed privilege log'") (quoting *United States v. Construction Prods. Research*, 73 F.3d 464, 473 (2d Cir. 1996)); *Aurora Loan Servs., Inc. v. Posner, Posner & Assocs., P.C*., 499 F. Supp. 2d 475, 479 (S.D.N.Y. 2007) ("[f]ailure to furnish an adequate privilege log is grounds for rejecting a claim of attorney client privilege"); *OneBeacon Ins. Co. v. Forman Int'l, Ltd*., 2006 U.S. Dist. LEXIS 90970, 2006 WL 3771010, at *6 (S.D.N.Y. Dec. 15, 2006) ("Courts in this Circuit have refused to uphold a

claim of privilege where privilege log entries fail to provide adequate information to support the claim.").

II. CAROLYN ANDERSON IS NOT ENTITLED TO JUDICIAL IMMUNITY.

A. Carolyn Anderson's Claim Conflicts With Her Testimony Before The Vermont the Senate Government Operations Committee.

Carolyn Anderson testified before the Vermont the Senate Government Operations Committee on April 1, 2025, that the only information not obtainable after a complaint has been made public is disciplinary counsel's work-product that might be protected by the work-product doctrine, *see* https://www.youtube.com/watch?v=LAECMbVFSxA (beginning in relevant part at 1:23:00). In other words, according to Carolyn Anderson, all documents in her possession or control are considered public and should have been produced by her. So is Carolyn Anderson's testimony inaccurate, or is she claiming it was incomplete?

B. Her Claims Regarding Mental Processes And Testimony Is Not Applicable To The Subpoena.

The subpoenas requests documents. It has not asked her to give testimony regarding her mental processes. Her objection regarding being compelled to give testimony regarding her mental processes is a question for another day, if and when respondent issues a deposition subpoena to her for testimony. *See, United States v. Roth*, 332 F. Supp. 2d 565, 567 (S.D.N.Y. 2004) ("The circumstances under which a party may compel a judge ***to testify*** concerning official matters are limited. '[T]he overwhelming authority . . . makes it clear that a judge may not be compelled to testify concerning the mental processes used in formulating official judgments or the reasons that motivated him in the performance of his official duties.'") Testimony of law clerks was at issue in the other case cited by Ms. Anderson, *Henkel v. Lickman (In re Lickman),* 304 B.R. 897, 903 (Bankr. M.D. Fla. 2004) ("if a judge cannot be compelled to testify in a case over which he or she presides in regards to her or his decision making, then a disgruntled litigant should not be allowed to circumvent this by compelling the judge's staff to so testify.") The subpoena does not require testimony, therefore the authority cited by Ms. Anderson is inapplicable.

C. Ms. Anderson Is Not Entitled To Judicial Immunity.

In Vermont, judicial immunity applies if two conditions are met: (1) "an officer is performing an act that may be categorized as judicial and [2] its performance is within his general authority." *Polidor v. Mahady*, 130 Vt. 173, 174, 287 A.2d 841 (1972). "Under the law of this jurisdiction, public officers, when exercising a judicial function, are immune from civil liability. *Nadeau v. Marchessault*, 112 Vt. 309, 311, 24 A.2d 352 (1942); *Banister v. Wakeman*, 64 Vt. 203, 208, 23 A. 585 (1891). However, this shelter of immunity protects the public officer only when he acts within his general authority." *Verrill v. Dewey*, 130 Vt. 627, 629 (1972). "Where there is clearly no jurisdiction over the subject matter, any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible." *Id*. at 633 (internal citations and quotations omitted.)

Ms. Anderson is not a judge. Nor is she a member of the Hearing Panel. She does not exercise a judicial function. Nor does she have such a close relationship with a "judge" (such as a judge's law clerk) that would justify extension of judicial immunity from discovery. In any case, she is not a target of a lawsuit.

The attached federal district court opinion out of the Southern District of Texas provides a good overview. At bottom, "Information about the [] judges' administrative and policymaking roles is nonjudicial and not shielded by judicial immunity. *See Forrester v. White*, 484 U.S. 219, 229 (1988) (judicial immunity does not apply to administrative acts)." Carolyn Anderson's communications are related to role as chair of the PRB, which is administrative, and not judicial.[2]

III. MR. ANDERSON'S BOILERPLATE OBJECTIONS ARE IMPROPER.

Ms. Anderson claims that Respondent's requests are impose "an undue burden by seeking information of limited or non-existent relevance." Ms. Anderson's non-specific, boilerplate objection would be improper in court and they are improper here as well. *See, Passenti v. Veyo, LLC*, No. 21-CV-01350 (SRU), 2022 U.S. Dist. LEXIS 214272 *18 (D. Conn. November 29,

[2] Notably, that line of cases also undercuts Count IV of the Petition for Misconduct.

2022) citing *Mancia v. Mayflower Textile Servs. Co*., 253 F.R.D. 354, 358 (D. Md. 2008) ("[B]oilierplate objections that a request for discovery is 'over[broad] and unduly burdensome, and not reasonably calculated to lead to the discovery of material admissible in evidence,' . . . persist despite a litany of decisions from courts, including this one, that such objections are improper unless based on particularized facts."). Ms. Anderson's objections provide no particularized facts justifying his improper boilerplate objections, and as such the objections should be overruled.

CONCLUSION

Here, Ms. Anderson did not make a proper documented claim of privilege. Nor did she file a timely motion to quash. As a result, she must produce all requested documents in his possession or control.

Dated: January 14, 2026

Respectfully Submitted,

/s/ Thomas Melone
Thomas Melone
601 S Ocean Blvd
Delray Beach, FL 33483
(212) 681-1120
Thomas.Melone@AllcoUS.com

EXHIBIT 1

STATE OF VERMONT

PROFESSIONAL
RESPONSIBILITY
PROGRAM

In Re: Thomas Melone,
PRB File No. 25-120

SUBPOENA DUCES TECUM

TO: CAROLYN ANDERSON, 73 Sunset Drive, Rutland, VT 05701

YOU ARE COMMANDED to produce the following documents, electronically stored information:

1. **For the period from January 1, 2025, to December 5, 2025, all e-mails, text messages, electronic messages (including messages sent through an application-based messaging service), in your possession or control to or from, or concerning, mentioning, or relating to any of (i) Thomas Melone, (ii) Michael F. Hanley, (iii) Merrill Bent, (iv) Paul Perkins, and/or (v) a solar energy electric generating facility located in, or proposed to be located in, Bennington, Vermont.**
2. **For the period from January 1, 2024, to December 5, 2025, all documents appointing you as Chair of the Professional Responsibility Board.**

This SUBPOENA DUCES TECUM permits you to deliver the requested documents to Thomas.melone@allcous.com by December 31, 2025.

The Vermont Rules of Civil Procedure require that every subpoena set forth the text of subdivisions (c) and (d) of the Rule.

WARNING: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED IN CONTEMPT OF COURT

This SUBPOENA is issued pursuant to the authority under Vermont Rule of Civil Procedure 45 and Vermont Supreme Court Administrative Order 9, RULE 19A dated this 5th of December, 2025.

By: _____
Thomas Melone (BAR No. 5456)

The name, address, and telephone number of the party who requests this subpoena: Thomas Melone, 601 S Ocean Blvd., Delray Beach, FL 33483, 212-681-1120 *(requesting party or attorney's name, address, phone number)*

Thomas.Melone@AllcoUS.com

[i] **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection, copying, testing or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection producing any or all of the designated materials or inspection of the premises – or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to the requested production or to inspect, copy test, or sample the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party of an officer of a party from significant expense resulting for the inspection, copying, testing or sampling commanded.

(3)(A) On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not party or an officer of a party to incur substantial expense to travel more than 50 miles one way to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO A SUBPOENA

(1)(A) A person responding to a subpoena to produce documents shall produce theme as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such source if the requesting party shows good cause, considering the limitations of Rule 26(b)(1). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT 2

CHARITY R. CLARK
ATTORNEY GENERAL

TEL: (802) 828-3171

www.ago.vermont.gov

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

December 30, 2025

By Email Only

Thomas Melone
601 S Ocean Blvd
Delray Beach, FL 33483
Thomas.melone@allcous.com

Re: Subpoena to Carolyn Anderson
In Re: Thomas Melone
PRB File No. 120-2025

Dear Attorney Melone,

I am writing in response to your subpoena to Professional Responsibility Board Chair Carolyn Anderson, served on December 18, 2025, seeking:

1. For the period from January 1, 2025, to December 5, 2025, all [communications] to or from, or concerning, mentioning, or relating to any of (i) Thomas Melone, (ii) Michael F. Hanley, (iii) Merrill Bent, (iv) Paul Perkins, and/or a solar energy electric generating facility located in, or proposed to be located in Bennington, Vermont.
2. For the period of January 1, 2024, to December 5, 2025, all documents appointing you as Chair of the Professional Responsibility Board.

You are hereby referred to the Petition of Misconduct served on you in this case, PRB 120-2025. That document is publicly available at: https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-commitees/professional-responsibility/hearing-calendar.

The public documents appointing Carolyn Anderson as Chair of the PRB and Michael Hanley as Conflict Disciplinary Counsel in PRB-120-2025 accompany this letter, as a courtesy to you.

Otherwise, Chair Anderson objects, pursuant to V.R.C.P. 45(c)(2)(B), to the request in your subpoena on the basis that the request imposes an undue burden by seeking information of limited or non-existent relevance, is directed to Ms. Anderson individually when it should be directed to the Board, and because it seeks information that is privileged and protected by quasi-judicial immunity in as much as it seeks information regarding the Board's supervision of the disciplinary hearing process involving your case. In addition, Chair Anderson objects on the basis that the hearing panel has ordered that the time to return documents for your subpoenas has been stayed pending resolution of the motions to quash pending in the disciplinary case.

Firstly, the information you seek is of limited or no relevance to this matter, and therefore the burden of searching for responsive documents, screening them for relevance and privilege and producing them to you is undue. The disciplinary violations alleged against you are spelled out in the Petition of Misconduct. The information you seek is not relevant to those charges or to any cognizable defense to the charges.

Second, to the extent any of that information could be relevant, it is in the custody of the Professional Responsibility Board, not Ms. Anderson individually. Any subpoena should be directed to the Board itself.

Third, absolute judicial immunity applies to officials who act in a quasi-judicial capacity and extends to protection against discovery related to the exercise of an official's quasi-judicial duties. *See In re Lickman*, 304 B.R. 897, 903 (Bankr. M.D. Fla. 2004) ("The policy behind immunity does not merely extend to suits, it also extends to protection against discovery. If judicial immunity were applicable, then it would be senseless and disruptive to allow for discovery."); *see also LeClerc v. Webb,* No. CIV.A. 03-664, 2003 WL 21026709, at 6 (E.D. La. May 2, 2003) ("[T]he protection afforded government officials by the doctrines of absolute and qualified immunity would be greatly depreciated if it did not include protection from discovery." (citing *Harlow v. Fitzgerald,* 457 U.S. 800, 816–18 (1982))).

The immunity extends to documents or testimony aimed at discovering a judicial officer's mental process used in decision-making. *See U.S. v. Roth*, 332 F. Supp. 2d 565, 567 (S.D.N.Y. 2004), *aff'd sub nom. U.S. v. St. John*, 267 F. App'x 17 (2d Cir. 2008) ("Judges are under no obligation to divulge the reasons that motivated them in their official acts; the mental processes employed in formulating the decision may not be probed." (internal quotations omitted); *id*. ("[A]llowing an examination of a judge's mental processes would be 'destructive of judicial responsibility' and such scrutiny cannot be permitted." (quoting *U.S. v. Morgan*, 313 U.S. 409, 422 (1941))).

The communications of Chair Anderson with other Board members, with the PRB staff, or with disciplinary or conflict disciplinary counsel related to the PRB's

exercise of its quasi-judicial function are privileged and immune from discovery. Chair Anderson, therefore, objects to your subpoena.

Please direct any additional correspondence regarding this issue to me. Thank you.

Sincerely,

/s/ Alison Powers

Alison Powers
Assistant Attorney General

STATE OF VERMONT

Administrative Appointment No. 974 **September Term, 2025**

Appointments to Professional Responsibility Board

Pursuant to Administrative Order No. 9, **Susan Fay** is hereby reappointed to serve as a member of the Professional Responsibility Board for a term expiring August 31, 2030.

The following persons are hereby designated as Chair and Vice-Chair of the Board for terms expiring August 31, 2026.

Carolyn Anderson, Esq., Chair
Caryn Waxman, Esq., Vice-Chair

Done in Chambers at Montpelier, Vermont this 2nd day of September 2025.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice

Merrick Grutchfield
Program Administrator

109 State Street
Montpelier, Vermont
05609-0703
802.828.6551

May 20, 2025

Michael F. Hanley
82 Fogg Farm Road
White River Junction, VT 05001

RE: PRB-120-2025
Thomas Michael Melone, Esq. - Respondent
Merrill E. Bent- Complainant

Dear Attorney

Thank you for agreeing to serve as Conflict Disciplinary Counsel in the above referenced matter. We understand that your partner, Paul Perkins, may assist you on this matter and authorize the same. A copy of the file has been placed in a shared location by Brandy Sickles.

The process is set out in Rule 13 of Administrative Order 9.

If you will be billing for your time spent on this case, please send an itemized, monthly bill to my attention. Due to the confidential nature of our complaints and the fact that your bill will be processed by other departments, the bill should be somewhat redacted; please refer to the case by docket number and reference the attorney as "respondent." The assigned counsel rate for attorneys hired by the Professional Responsibility Board is $150 per hour. Finally, at the conclusion of this case, please return the complete file to Brandy Sickles.

Bar Counsel Michael Kennedy is available to provide you with guidance on the process but is not authorized to discuss the substance of the complaint with you.

Please contact me with any questions. Thank you so much for agreeing to undertake this matter.

Very truly yours,

Merrick Grutchfield

Merrick Grutchfield
Program Administrator

attachments
cc: Carolyn Anderson, Esq. – Chair

Gmail Thomas Melone <thomas.melone@gmail.com>

PRB-120-2025; Subpoena to Carolyn Anderson

Powers, Alison (she/her) <Alison.Powers@vermont.gov> Thu, Jan 8, 2026 at 3:56 PM
To: "Thomas.Melone@allcous.com" <thomas.melone@allcous.com>

Attorney Melone,

I'm going to decline to answer any further questions at this time. There is no legal basis for your inquiry, and you are not entitled to an answer. Not only are your questions beyond the scope of the subpoena duces tecum served on Ms. Anderson in PRB File No. 120-2025, but the State has already stated its objections to the subpoena. Nevertheless, I provided you certain documents and public information as a courtesy. I decline to continue to do so.

Alison Powers

Assistant Attorney General

Office of the Vermont Attorney General

802-828-2359

Please send all mail electronically

From: Thomas Melone <Thomas.Melone@allcous.com>
Sent: Thursday, January 8, 2026 2:52 PM
To: Powers, Alison (she/her) <Alison.Powers@vermont.gov>
Subject: Re: PRB-120-2025; Subpoena to Carolyn Anderson

Thank you. When did she leave GMP?

On Thu, Jan 8, 2026 at 2:34 PM Powers, Alison (she/her) <Alison.Powers@vermont.gov> wrote:

> Hello,
>
> Carolyn Anderson is not employed by Green Mountain Power.
>
> Alison Powers
>
> Assistant Attorney General
>
> Office of the Vermont Attorney General

802-828-2359

Please send all mail electronically

From: Thomas Melone <Thomas.Melone@allcous.com>
Sent: Thursday, January 8, 2026 10:12 AM
To: Powers, Alison (she/her) <Alison.Powers@vermont.gov>
Subject: Re: PRB-120-2025; Subpoena to Carolyn Anderson

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning Alison,

Thank you for your email. Can you confirm that Carolyn Anderson is still employed with Green Mountain Power Company?

regards

Tom

Thomas Melone
Chief Executive Officer
Allco Renewable Energy Limited

777 West Putnam Avenue, Suite 300

Greenwich, CT 06830

(212) 681-1120
(801) 858-8818 (fax)

On Tue, Jan 6, 2026 at 4:33 PM Powers, Alison (she/her) <Alison.Powers@vermont.gov> wrote:

> Hello Attorney Melone,
>
> Attached is a copy of the 2024 letter appointing Carolyn Anderson as Chair of the PRB. As described in my letter dated December 30, this public document is being provided to you as a courtesy. My letter makes no assertions regarding the existence or non-existence of additional communications pertaining to Michael Hanley's appointment as conflict disciplinary counsel.
>
> Sincerely,
>
> Alison
>
> Alison Powers

Assistant Attorney General

Office of the Vermont Attorney General

802-828-2359

Please send all mail electronically

From: Thomas Melone <Thomas.Melone@allcous.com>
Sent: Monday, January 5, 2026 9:58 AM
To: Powers, Alison (she/her) <Alison.Powers@vermont.gov>
Subject: Re: PRB-120-2025; Subpoena to Carolyn Anderson

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning Alison,

Thank you for the response.

Can you please send me the appointment letter from the Supreme Court for the previous year?

And can you confirm that Carolyn Anderson is still employed with Green Mountain Power Company?

Finally, are you asserting that there are no other communications regarding the alleged appointment of Michael Hanley as alternate disciplinary counsel (other than the letter that you attached from Merrick Grutchfield)?

Sincerely,

Thomas Melone
Chief Executive Officer
Allco Renewable Energy Limited

777 West Putnam Avenue, Suite 300

Greenwich, CT 06830

(212) 681-1120
(801) 858-8818 (fax)

On Tue, Dec 30, 2025 at 10:50 AM Powers, Alison (she/her) <Alison.Powers@vermont.gov> wrote:

> Attorney Melone:
>
> Please see the attached communication in response to the subpoena served on Carolyn Anderson.
>
> Alison Powers
>
> Assistant Attorney General
>
> Office of the Vermont Attorney General
>
> 802-828-2359
>
> **Please send all mail electronically**