

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

IN RE:)
)
THOMAS MELONE) PRB File No. 25-120

MOTION TO QUASH SUBPOENA

Zachary Hale (“Mr. Hale”), by his attorneys, Gravel & Shea PC, respectfully requests that this Court quash the subpoena dated February 9, 2026 (the “Second Subpoena”) issued by Thomas Melone (“Mr. Melone”). In support of this request, Mr. Hale argues as follows:

Background

The current proceedings before the Professional Responsibility Board (the “Board”) involve allegations of professional misconduct against Mr. Melone, an attorney. Mr. Hale and his business have nothing to do with the Town of Bennington’s challenges to Mr. Melone’s law license.

Mr. Melone served a subpoena *duces tecum* dated December 8, 2025 (“First Subpoena”) attached hereto as Exhibit A) on Mr. Hale. The First Subpoena commanded that Mr. Hale produce the following documents:

1. For the period from January 1, 2025, to December 8, 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 the Benn High Redevelopment Project in Bennington.
2. For the period from January 1, 2025, to December 8, 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, Merrill Bent.

Mr. Hale objected to the First Subpoena. *See* Mr. Hale’s Objections to Thomas Melone’s Subpoena to Produce Documents, Dec. 31, 2025 (“First Subpoena Objections”) attached hereto

as Exhibit B. In short, Mr. Hale objected to the First Subpoena on the grounds that the First Subpoena is: overly broad and placed an undue burden on Mr. Hale to produce documents irrelevant to the proceedings; would require disclosure of confidential commercial information; and requests documents subject to attorney-client privilege. *See* Ex. B at 1-3.¹

On February 17, 2026, the Second Subpoena was served on Mr. Hale. *See* Second Subpoena attached hereto as Exhibit C. The Second Subpoena commands Mr. Hale to appear on May 20, 2026, at 11:30 a.m. for a deposition at the Hampton Inn in Bennington, Vermont. Mr. Hale moves to quash this Second Subpoena because Mr. Melone will inevitably be seeking information that requires disclosure of confidential business information and places an undue burden on Mr. Hale. *See* V.R.C.P. 46(c)(3)(A)(iii).

Standard

“Parties may obtain discovery by . . . depositions upon oral examination or written questions. . . .” V.R.C.P. 26. Rulings related to discovery are “entrusted to the broad discretion of the trial court, and will not be disturbed absent a showing that discretion was abused or entirely withheld.” *State v. Lee*, 2007 VT 7, ¶ 11, 181 Vt. 605, 607, 924 A.2d 81, 85 (2007).

Rule 45 governs subpoenas, including the Second Subpoena at issue here. Parties who issue subpoenas have a duty to “take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.” V.R.C.P. 45(c)(1). A court may quash or modify a subpoena if the subpoena:

- (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

¹ To the extent applicable, Mr. Hale adopts and maintains herein his objections included in the First Subpoena Objections.

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.

V.R.C.P. 45(c)(3)(A)(i)-(iv).

Further, a court may quash or modify a subpoena if the subpoena “requires disclosure of a trade secret or other confidential research, development, or commercial information.”

V.R.C.P. 45(c)(B)(i).

Argument

I. THE SECOND SUBPOENA WOULD REQUIRE MR. HALE TO PRODUCE CONFIDENTIAL COMMERCIAL INFORMATION TO MR. MELONE.

The Second Subpoena is a transparent attempt by Mr. Melone to obtain confidential commercial information from Mr. Hale. Mr. Hale’s business, Hale Resources, LLC, was awarded the contract to develop the Benn High Redevelopment Project by the Town of Bennington in January of 2025. *See, e.g.*, Petition at ¶ 79. As laid out in more detail in the First Subpoena Objections – and adopted herein – Mr. Hale and his business have no relevance to the proceedings before the Board. *See, e.g.*, Ex. B at 3. At issue in the present matter is not the awarding of a contract to Mr. Hale, but rather if Mr. Melone’s actions challenging the Town of Bennington’s awards were improper. *See, e.g.*, Petition at ¶¶ 79-88, 123. Nevertheless, in the First Subpoena, Mr. Melone requested a year of correspondence regarding the Project with the Town of Bennington’s attorney, Merril Bent. The Project was extremely complex and involved enormous effort from Mr. Hale, others at Hale Resources, LLC, and their external partners. Mr. Melone has demonstrated that he seeks confidential business communications from Mr. Hale. *See, e.g.*, Ex. A. Any questions that Mr. Melone may ask at the deposition will inevitably

implicate confidential business information and communications with both internal and external partners.

This Second Subpoena is Mr. Melone's attempt to drag Mr. Hale into Mr. Melone's professional misconduct proceedings and elicit confidential commercial records from someone Mr. Melone clearly views as a business rival. The Second Subpoena must be quashed to prevent disclosure of confidential commercial information.

II. THE SECOND SUBPOENA WILL SUBJECT MR. HALE TO UNDUE BURDEN.

Mr. Hale, a non-party to these proceedings before the Board, will be subject to an undue burden if the Second Subpoena is not quashed. A court shall quash or modify a subpoena if it "subjects a person to undue burden." V.R.C.P. 45(c)(3)(A)(iv). The proceedings before this Board only involve Mr. Melone's actions and Mr. Melone's law license. Mr. Hale is not a fact witness to the allegations of Mr. Melone's unprofessionalism which are at issue before the Board. Mr. Hale is a busy businessman who Mr. Melone clearly views as a competitor. The Petition and the First Subpoena to Mr. Hale make it clear that Mr. Melone is fixated on challenging the Benn High Redevelopment Project contract. *See, e.g.*, Petition at ¶¶ 79-88; *see also* Ex A. The awarding of this contract is entirely collateral to the issue before the Board. If this Second Subpoena is not quashed, Mr. Hale will be forced to prepare for the deposition and take a day off from work to satisfy Mr. Melone's fishing expedition. Mr. Melone appears to be co-opting the present challenge to his own law license to further his vendetta against the Town of Bennington. The Second Subpoena must be quashed to prevent Mr. Melone improperly involving Mr. Hale and subjecting him to an undue burden.

WHEREFORE, Mr. Hale respectfully requests that the Second Subpoena be quashed.

Dated: March 2, 2026

/s/ Brooks G. McArthur

Brooks G. McArthur, Esq.

Gravel & Shea PC

76 St. Paul Street, 7th Floor, P.O. Box 369

Burlington, VT 05402-0369

(802) 658-0220

bmcArthur@gravelshea.com

Attorneys For Zachary Hale

58565

STATE OF VERMONT

PROFESSIONAL
RESPONSIBILITY
PROGRAM

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

SUBPOENA DUCES TECUM

TO: ZACHARY HALE, 748 Main Street, Bennington, VT 05201

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


1. For the period from January 1, 2025, to December 8, 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 the Benn High Redevelopment Project in Bennington.
2. For the period from January 1, 2025, to December 8, 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, Merrill Bent.

This SUBPOENA DUCES TECUM permits you to deliver the requested documents to Thomas.melone@allcous.com by January 8, 2026.

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 8th of December, 2025.

By: 
Thomas Melone (BAR No. 5456)

RECEIVED
DEC 10 2025

BY:

EXHIBIT
 A

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

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 them 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.

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

IN RE:)
)
THOMAS MELONE) PRB File No. 25-120

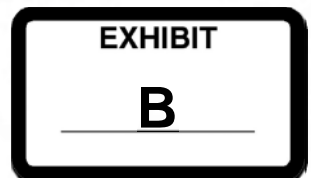
ZACHARY HALE'S OBJECTIONS TO
THOMAS MELONE'S SUBPOENA TO PRODUCE DOCUMENTS

Zachary Hale ("Mr. Hale"), by his attorneys, Gravel & Shea PC, objects to the subpoena duces tecum (the "Subpoena") from Thomas Melone ("Mr. Melone") and states as follows:

The Subpoena is objectionable for the following reasons: (1) the Subpoena is overly broad and places an undue burden on Mr. Hale to produce documents irrelevant to Mr. Melone's Professional Responsibility Program (the "Program") proceedings; (2) the requested documents would require disclosure of confidential commercial information; and (3) the Subpoena requests documents subject to attorney-client privilege.

I. THE SUBPOENA IS OVERLY BROAD AND PLACES AN UNDUE BURDEN ON MR. HALE, A NON-PARTY, TO PRODUCE DOCUMENTS IRRELEVANT TO THESE PROCEEDINGS.

Mr. Melone's Subpoena is overly broad and would place an undue burden on Mr. Hale to locate documents entirely irrelevant to these proceedings. A person issuing a subpoena is required to "take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena." *See* V.R.C.P. 45(c)(1). The scope of discoverable materials is broad but subject to limits. *See* V.R.C.P. 26(b)(1). "[A]ny nonprivileged matter that is *relevant* to any party's claim or defense and *proportional* to the needs of the case" may be discoverable, but courts will consider "the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the



importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Id.* Emphasis added; *see also Weatherly v. Gravel and Shea*, P.C., No. 977911, 2013 WL 12231876, at *2 (Vt. Super. July 31, 2013).

Courts must “weigh the burden to the subpoenaed party against the value of the information to the serving party.” *Travelers Indem. Co. v. Metro. Life Ins. Co.*, 228 F.R.D. 111, 113 (D. Conn. 2005). Factors to consider in determining undue burden are “the need for the information requested, whether the information can be obtained by other means, burdens the subpoena may impose, the status of the recipient as a non-party, and the costs of compliance” *Rardon v. Falcon Safety Prods., Inc.*, No. 23-1594, 2023 WL 5347298, at *2 (3d Cir., Aug. 21, 2023).

“[S]pecial weight” is given to the burden on non-parties to the litigation during the balancing test for undue burden. *Cusumano v. Microsoft Corp.*, 162 F.3d 708, 717 (1st Cir. 1998); *see also Kahle’s Kitchens, Inc. v. Shutler Cabinets, Inc.*, 240 W. Va. 209, 217, 809 S.E.2d 520, 528 (2018) quoting Palmer & Davis, *Litigation Handbook* § 45(d) at 1132-33 (“Although discovery is by definition invasive, parties to a law suit [*sic.*] must accept its travails as a natural result of litigation. Nonparties, however, have a different set of expectations. Accordingly, concern for the unwanted burden thrust upon nonparties is a factor entitled to special weight in evaluating the balance of competing needs.”). Parties who issue subpoenas have a duty to “take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.” V.R.C.P. 45(c)(1).

Mr. Melone requests from Mr. Hale all e-mails, text messages, and electronic messages from January 1, 2025, to December 8, 2025, related to the Benn High Redevelopment Project (the “Project”) and Merrill Bent (“Ms. Bent”). First, Mr. Hale is a non-party to these proceedings and had no involvement with Mr. Melone and the challenges made by the Town of

Bennington to Mr. Melone's law license. Mr. Hale was awarded a contract to lead the development of the Project from the Town of Bennington. Based on the Petition of Misconduct ("Petition"), it appears that Mr. Melone attempted to challenge the award of the contract to Mr. Hale as means to apply pressure to the Town of Bennington. *See, e.g.*, Petition at ¶¶ 79-88; 122-123. At issue in the present matter is not the awarding of the contract to Mr. Hale – or any of Mr. Hale's business or communications – but rather if Mr. Melone's actions challenging the Town of Bennington's awards were improper. *Id.*

Second, none of the requested information has any relevance to this matter, so it is not discoverable under Rules 45 and 26. Mr. Hale's communications involving the Project and Ms. Bent, the attorney for the Town of Bennington, will provide no information that will help inform the Program's challenges related to Mr. Melone's law license. In reviewing the Town of Bennington's opposition to separate subpoenas sent to its employees, it appears that Mr. Melone has made unsubstantiated, far-reaching allegations of conspiracy involving the Town of Bennington. *See Town of Bennington's Objection to Subpoenas to Daniel Monks, Shannon Barsotti, Jeanette Jenkins, and James Sullivan*, Dec. 2025. It makes sense that, as the Town of Bennington alleged with the other subpoenas, Mr. Melone is also using this Subpoena to seek "sweeping discovery from a non-party in hopes that some post-hoc rationalization for his assertions [of conspiracy and criminal conduct] will emerge." *Id.* at 5.

Finally, even if the Program finds that the requested communication may have some relevance, the Subpoena is overly broad and unduly burdensome. The Project was a massive, complex endeavor. Mr. Melone's blanket request for e-mails, text messages, and electronic messages for almost an entire year would produce a massive amount of information. The requested communication would largely involve confidential, internal business communication

and/or privileged. It would require substantial effort and expense from Mr. Hale, and undersigned counsel, to review, redact, and prepare the documents for production. Any communication related to the Project, the Town of Bennington, or Ms. Bent that Mr. Hale is involved in can be requested through the Town of Bennington or Ms. Bent, who filed the Petition. *See* Petition at ¶¶ 89-94. Mr. Hale, as a non-party, should not be burdened with producing documents that could be obtained from another source, in this case those who were part of filing the Petition.

The litigation, which is focused on Mr. Melone's law license, does not need this information from Mr. Hale to evaluate the issues in the Petition. In the Petition itself, only two paragraphs even mention Mr. Hale and, even then, only as context to show that the contract Mr. Melone was seeking was awarded elsewhere. *See* Petition at ¶¶ 79-80. Mr. Hale's communication related to the Project and with Ms. Bent provides no identifiable insight into the allegations against Mr. Melone, and there is no need for Mr. Melone to receive this information. The expansive time frame and lack of particularity in the Subpoena clearly demonstrate that Mr. Melone breached his duty to avoid imposing undue burden and expense on Mr. Hale.

II. THE SUBPOENA WOULD REQUIRE MR. HALE TO PRODUCE CONFIDENTIAL COMMERCIAL INFORMATION TO MR. MELONE.

The Subpoena requests would require Mr. Hale to disclose confidential commercial information. A court may quash or modify a subpoena if the subpoena "requires disclosure of a trade secret or other confidential research, development, or commercial information."

V.R.C.P. 45(c)(B)(i). As stated in the Petition, Mr. Hale's business, Hale Resources, LLC, was awarded the contract regarding development for the Project in January of 2025. *See* Petition at ¶ 79. The Project was an extremely complex project that involved enormous effort from Mr.

Hale and others at Hale Resources, LLC. The requested communications for January 1, 2025, through December 8, 2025, would involve confidential business communications, both internally and with external partners, related to the Project. *Id.*

III. THE DOCUMENTS REQUESTED CONTAIN MATERIAL PROTECTED BY ATTORNEY-CLIENT PRIVILEGE.

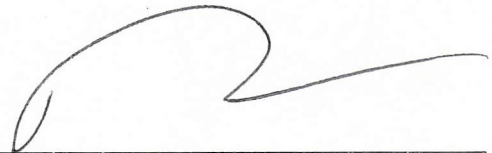
The communication requested by Mr. Melone in the Subpoena contains documents subject to attorney-client privilege. A court shall quash or modify a subpoena if it “requires disclosure of privileged or other protected matter and no exception or waiver applies.”

V.R.C.P. 45(c)(3)(A)(iii). Both categories of requested documents in the Subpoena will include material implicating attorney-client privilege. There are no exceptions and no waiver to make this material discoverable.

Conclusion

For the foregoing reasons, Mr. Hale objects to the Subpoena pursuant to Rule 45(c)(2)(B).

Dated: December 31, 2025



Brooks G. McArthur, Esq.
Gravel & Shea PC
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bmcArthur@gravelshea.com
Attorneys For Zachary Hale

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

IN RE:)
)
THOMAS MELONE) PRB File No. 25-120

CERTIFICATE OF SERVICE

I, Brooks G. McArthur, Esq., attorney for Zachary Hale, certify that, on December 31, 2025, I caused to be served Zachary Hale's Objections to Thomas Melone's Subpoena to Produce Documents as follows:

Via First-Class Mail, Postage Prepaid and E-Mail as indicated below

Mail and E-mail

Thomas Melone
601 South Ocean Boulevard
Delray Beach, FL 33483
Thomas.Melone@AllcoUS.com

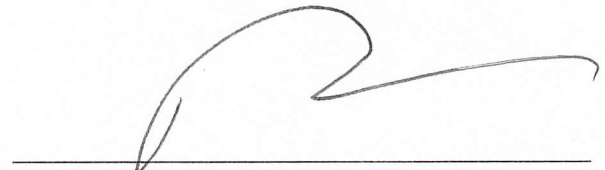
E-mail

Michael F. Hanley, Esq.
Plante & Hanley, P.C.
P.O. Box 708
White River Junction, VT 05001
mfhanley@plantehanley.com

E-mail

Merrill E. Bent, Esq.
Woolmington, Campbell, Bent & Stasny, PC
4900 Main Street
P.O. Box 2748
Manchester Center, VT 05255
merrill@greenmtlaw.com

Dated: December 31, 2025



Brooks G. McArthur, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
bmcArthur@gravelshesha.com
Attorneys For Zachary Hale

58739

STATE OF VERMONT

PROFESSIONAL RESPONSIBILITY BOARD

Case No.: 120-2025

Case Name (example: Plaintiff name v Defendant name, or In re name)
In Re Thomas Melone

CIVIL SUBPOENA

Vermont Rule of Civil Procedure 45

Type of Case: (Check One):

- Civil, Environmental, Small Claims, Probate, Family - Domestic Relations, Family - Juvenile

TO:

Name: ZACHERY HALE

Address: Town of Bennington, 205 South Street, Bennington, VT 05201

You are directed to (choose all that apply):

Appear on MAY 20, 2026 (date) at 11:30AM (time) to attend and give testimony at a (choose one):

- Trial, Hearing, Deposition

(Choose one):

- At the Superior Court: Civil Division, Environmental Division, Family Division, Probate Division

Address:

At this place: Hampton Inn Bennington, 51 Hannaford Square, Bennington, VT 05201

Address:

Permit inspection of the following premises:

Address:

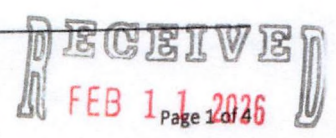
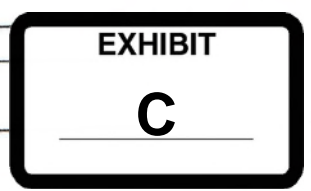
Produce and permit inspection, copying, testing or other sampling of designated electronically stored information, books, papers, documents or tangible things in your possession, custody or control (describe):

Other (describe):

Date: FEBRUARY 9, 2026

THOMAS MELONE, ATTORNEY
Name of Court Clerk / Attorney / Magistrate

Signature



BY:

To the person served with the subpoena

1. This subpoena was requested by:

Plaintiff Defendant State's Attorney Other: Defendant/Respondent

2. If you have questions about this subpoena, contact:

THOMAS MELONE, 601 S OCEAN BLVD., DELRAY BEACH, FL 33483, Thomas.Melone@gmail.com (person requesting subpoena)
at 212-681-1120 (phone number).

3. If the subpoena directs you to attend a hearing or trial, you must be paid a 'witness fee' and mileage reimbursement when the subpoena is served on you.

4. If you are directed to attend a hearing or trial, bring a copy of this subpoena with you.

5. See the last pages of this subpoena for information about your rights and responsibilities. The Subpoenas in Civil Cases web page on the Vermont Judiciary website has additional information:
www.vermontjudiciary.org/civil/subpoenas-civil-cases.

RETURN OF SERVICE

The subpoena may be served by anyone who is **not a party to the case** and who is **over 18**.

The person serving the subpoena must complete this section.

1. My name is: Katherine Niles

2. I served this subpoena on Zachary Hale (name)
on 2/17/26 (date).

3. I served the subpoena by (describe method):

Delivered in hand

4. I served the subpoena at this address:

748 main street, Bennington VT

Date: 2/17/26 [Signature]

Signature

If served by sheriff or constable:

Mileage (_____ miles at _____ per mile) \$ _____

Reading \$ _____

Copies \$ _____

Total sheriff or constable service cost \$ _____

Information for the Person Served with the Subpoena

Vermont Rule of Civil Procedure 45. Subpoena

(c) 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 to 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 or an officer of a party from significant expense resulting from 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 a 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.

(d) Duties in Responding to Subpoena.

(1) (A) A person responding to a subpoena to produce documents shall produce them 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 sources 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 of 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.

VRCP 45 last updated December 10, 2019, effective March 2, 2020.

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

IN RE:)
)
THOMAS MELONE) PRB File No. 25-120

CERTIFICATE OF SERVICE

I, Brooks G. McArthur, Esq., attorney for Zachary Hale, certify that, on March 2, 2026, I caused to be served Zachary Hale's Motion to Quash Subpoena as follows:

Via First-Class Mail, Postage Prepaid and E-Mail as indicated below

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Dated: March 2, 2026

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