

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re Thomas Melone
PRB File No. 120-2025

ENTRY ORDER
MOTION TO QUASH ALL SUBPOENAS
(filed 2/9/26)

Conflict Disciplinary Counsel (CDC) has filed a motion seeking to quash all subpoenas issued by Respondent to that date. For the reasons set forth below, the motion is *denied*.

CDC's motion is based upon A.O. 9, Rule 19 B(1) which provides as follows:

B. Discovery.

(1) Scope. Within 20 days following the filing of an answer, disciplinary counsel and respondent shall exchange the names and addresses of all persons having knowledge of relevant facts and/or of witnesses. This list shall be updated without request. Within 60 days following the filing of an answer, disciplinary counsel and respondent may take depositions and shall comply with reasonable requests for production of (a) nonprivileged documents and evidence relevant to the charges or to respondent and (b) other material upon good cause shown to the chair of the hearing panel.

As of the date of the motion, Respondent had not yet filed an Answer. (He did so on February 20, 2026.) CDC asserts that the rule prohibits discovery until an answer is filed. But the plain language of the rule does not require this. The rule simply states that within 60 days following the filing of an answer, the parties *may* take depositions. The language of the rule does not limit discovery to this time period.

More importantly, Rule 19 A (2) specifically permits depositions and the issuance of subpoenas at any time after a petition is filed. The Rule provides,

After a petition, or a motion for reinstatement, is filed, disciplinary counsel or respondent may compel by subpoena the attendance of witnesses

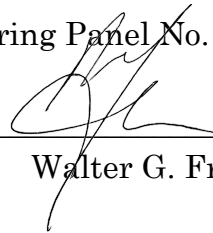
and the production of pertinent books, paper, and documents at a deposition or hearing under these rules.

Accordingly, CDC's motion of February 9 to quash all subpoenas issued prior to that date is *denied*. This denial is limited to the arguments presented by CDC in his motion.

Dated this 12th day of March 2026

Hearing Panel No. 2

By: _____


Walter G. French, Esq.