

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In re Thomas Melone
PRB No. 120-2025

**CONFLICT DISCIPLINARY COUNSEL’S MOTION TO QUASH SUBPOENAS
SERVED ON MARCH 13 AND MARCH 19, 2026**

On March 13 and 19, 2026, the Respondent, Thomas Melone, caused subpoenas to be served on me, Conflict Disciplinary Counsel. The subpoenas command me to appear at an office building in Montpelier on March 24, 2026 and produce “[a]ll e-mails, memoranda, text messages, electronic messages” that support the answer, affirmative defenses and counterclaim of my former clients in Zilian v. Grabowski-Shaikh, a now-resolved boundary dispute in the Vermont Superior Court. Copies of the subpoenas are attached as *Exhibit 1* and *Exhibit 2*.

It is obvious that many of the materials Mr. Melone seeks are covered by the attorney-client privilege and cannot be subpoenaed pursuant to V. R. Civ. P. 45(c)(3)(A)(iii) or produced by me without violating my duties to my former clients.

None of the materials Mr. Melone seeks are relevant to the question before the Hearing Panel: did Mr. Melone violate the Vermont Rules of Professional Conduct? No admissible evidence, and no information likely to lead to the discovery of admissible evidence in this disciplinary proceeding, will result from an evaluation of whether my former clients had title to real property by adverse possession, acquiescence, or prescription or from an examination of what I did or did not do in a boundary dispute case before the Vermont Superior Court.

The subpoenas are the latest effort by Mr. Melone to assert that I violated the Vermont Rules of Professional Conduct while representing third parties in a case unrelated to this disciplinary proceeding. I did not violate the Rules but even if I did, that is not relevant. As my mother told me many, many years ago, two wrongs don’t make a right and “everybody does it,”

does not justify improper behavior.

The subpoenas require me to appear at 141 Main Street in Montpelier, Vermont, a building with many business offices. The subpoena does not direct me to appear at any specific office within the building. Mr. Melone, who says he lives in Florida, and claims to have offices in New Haven and Greenwich, Connecticut, does not have an office in Montpelier and is not represented by or affiliated with a lawyer or business organization with an office at 141 Main Street. Moreover, it seems highly likely that Mr. Melone will not be at 141 North Main Street at the date and time I am instructed to appear in the subpoena.

Mr. Melone also failed to provide me with a check for the witness and mileage fees, which he is required to do at the time of service of the subpoena, under V. R. Civ. P. 45(b)(1).

Finally, the subpoena is the latest in a long list of actions by Mr. Melone, including issuing a subpoena compelling me to appear for a deposition, filing a complaint against me in the U. S. District Court of Vermont and filing an original action against me in the Vermont Supreme Court, which are designed to harass and intimidate me and to make my job as Conflict Disciplinary Counsel as difficult, unpleasant, time-consuming and expensive as possible. Mr. Melone has engaged in similar conduct with respect to witnesses in this case, the probable cause and hearing panels and the Chair of the Professional Responsibility Board.

The Hearing Panel should quash Mr. Melone's subpoenas.

Dated: March 20, 2026

/s/ Michael F. Hanley
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