

State of Vermont  
Superior Court – Environmental Division

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ENTRY REGARDING MOTION

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**In re Cote Site Plan Approval**  
**(Appeal of DRB Decision on Cote Site Plan)**

Docket No. 52-4-10 Vtec

Title: Motion to Quash Subpoena (Filing No. 15)

Filed: October 24, 2012

Filed By: Town of St. Albans, Vincent A. Paradis, Esq.

Response: November 5, 2012, by Appellant John E. Maslar,

Granted                       Denied                       Other

On or about October 18, 2012, Attorney Vincent Paradis was served with a subpoena requiring his appearance, presumably to serve as a trial witness, at the merits hearing in this matter scheduled for November 27, 2012. The subpoena was requested by Mr. Leo Bilodeau, one of the Appellants in this matter. The Environmental Division did not issue the subpoena and it is otherwise unknown to the Court who issued the subpoena as the signatory line is not legible.

This matter is limited to the issues raised in this appeal of site plan approval granted by the Town of St. Albans to Janet Cote on March 16, 2010. Attorney Paradis represents the Town of St. Albans. In his motion to quash the subpoena, Attorney Paradis states that all information acquired by him relating to this matter has been during the course of his representation of the Town. Any testimony of Attorney Paradis relating to the matter before the Court would be subject to the Attorney/Client privilege or otherwise protected from disclosure. Thus, pursuant to V.R.C.P. Rule 45(c)(3)(A)(iii), Attorney Paradis' timely motion to quash is **GRANTED**. Attorney Paradis is not required to appear and testify in this matter.

Attorney Paradis' motion also requests that the Town's costs and reasonable attorney fees be awarded. Although V.R.C.P. 45(c) allows a court to enforce a party's duty of avoiding the imposition of undue burdens or expenses, we decline to order reimbursement of costs and attorney fees at this time.

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Thomas G. Walsh, Judge

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November 7, 2012

Date

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Date copies sent to: \_\_\_\_\_

Clerk's Initials \_\_\_\_\_

Copies sent to:

Appellant Leo Bilodeau

Appellant John E. Maslar

Appellant Jerome Franklin

Attorney Vincent A. Paradis for Interested Person Town of St. Albans

Attorney Cynthia L. Broadfoot for Appellee Janet Cote