

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 :
 :
 v. : No. 3:00-CR-217 (EBB)
 :
 :
 TRIUMPH CAPITAL GROUP, INC., :
 ET AL. :

RULING ON MOTION TO QUASH SUBPOENA

Before the Court is a motion filed by Day, Berry & Howard LLP ("DBH") to quash the subpoena served on it by defendant Charles B. Spadoni ("Spadoni"). The documents that Spadoni seeks through this subpoena are either protected from disclosure by the attorney work product privilege,¹ and/or are irrelevant to the issues to be determined at trial. Spadoni has not shown that his need for such documents is sufficient to outweigh the privilege. The motion to quash [Doc. No. 568] is GRANTED.

¹ The Court finds defense counsel's reliance on United States v. Marcus Schloss & Co., Inc., 1989 WL 62729 (S.D.N.Y. June 5, 1989) to be misplaced. Unlike the circumstances here, the cooperating witness in Schloss, had, at the time of the Court's order to disclose, completed his probation and public service, had paid his fine, and had successfully applied for readmission to the New York State Bar. In this case, when the subpoenaed documents were created, the cooperating witness, Christopher Stack, faced prosecution for failure to comply with the terms of his cooperation/immunity agreement, faced investigation by the Statewide Grievance Committee, and the possibility that his license to practice law could be revoked or suspended.

SO ORDERED.

ELLEN BREE BURNS
SENIOR DISTRICT JUDGE

Dated at New Haven, Connecticut, this ____ day of June, 2003.