



Counsel for Fr. Tierney has subpoenaed David Clohessy, Director of SNAP, to appear for deposition on December 8, 2011. Counsel also requests that Clohessy produce 8 categories of documents identified in that subpoena. The motions to quash raise significant issues concerning the breadth of the document requests, the potential violation of privacy interests of third-parties particularly pursuant to RSMo. §455.003, and claims they are punitive in nature, that they do not appear to seek any relevant evidence, and constitute an abuse of process. Additionally the motions claim counsel for Fr. Tierney violated the August 2, 2011, Order by revealing plaintiff's identity.

*Discussion*

Rule 56.01(b)(1) of the Missouri Rules of Civil Procedure provides in pertinent part that "Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action..." A review of the suggestions filed on behalf of Fr. Tierney certainly is sufficient to establish that the deposition itself is likely to include relevant information. There are, however, legitimate concerns raised about possible violations of RSMo. § 455.003, if SNAP is covered by that statute.

This litigation raises issues important to all parties. None should be permitted to avoid the responsibility to provide discovery necessary to provide for a full and fair trial on the merits of the case. Because the Court believes the deposition of Clohessy may reasonably be expected to reveal relevant information, but believes that there may well be sensitive issues addressed in such deposition, the Court enters the following orders:

**WHEREFORE, IT IS HEREBY ORDERED** that Plaintiff and Clohessy's motions to quash subpoena of Clohessy are **DENIED**.

**IT IS FURTHER ORDERED** that counsel are to cooperate to arrange for the deposition to be completed within 5 business days of the current scheduled date of December 2, 2011.

**IT IS FURTHER ORDERED** that either party may request that deposition, or portions thereof, be taken under seal.

**IT IS FURTHER ORDERED** that Clohessy may prepare a privilege log identifying with particular detail any documents he believes to be privileged and the basis of the claim of privilege.

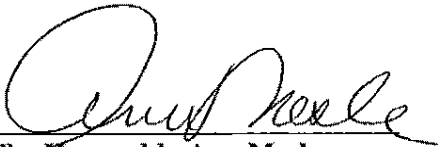
**IT IS FURTHER ORDERED** that the Court will review in camera documents as requested by counsel except and to the extent precluded by RSMo. § 455.003.

**IT IS FURTHER ORDERED** that violations of the August 2, 2011 Order, and publication in any form of the identity of John Doe, will subject parties and/or counsel to possible imposition of sanctions.

**IT IS SO ORDERED.**

Date

Nov 29, 2011

  
The Honorable Ann Mesle  
Circuit Court Judge

I certify that copies were distributed on  
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