

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

JUN 21 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

IN THE MATTER OF:

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JOHN RANDALL "RANDY" JINKS
PROBATE JUDGE OF
TALLADEGA COUNTY

CASE NO. 57

**OBJECTION TO SUBPOENA
AND
MOTION TO QUASH OR, IN THE ALTERNATIVE FOR A PROTECTIVE ORDER**

COMES NOW T.D., (as designated in the March 3, 2021 Complaint filed in this matter), a non-party to these proceedings, by and through counsel, and objects to the subpoena filed with the Court of the Judiciary on June 17, 2021 and issued to J.G. on June 18, 2021 and moves to quash the subpoena or, alternatively, for a protective order. In support thereof, T.D. states:

1. T.D. is a non-party witness in this matter and as such has been and will be materially affected by these proceedings. T.D. is presumably identified in pleadings filed under seal and is, therefore, identified to the Court.

2. The Complaint filed herein on March 3, 2021 states facts in support of the Judicial Inquiry Commission's allegations against Randy Jinks and specifically names T.D. as a witness to those allegations on pages 3, 4, 9, 10, 11, 15, 17, 18, 19, 20, 21, 27, 30, 31, 32, 46 and 72 of the Complaint.

3. On or about March 18, 2021, Randy Jinks appeared for a televised interview on "Daybreak Live" (<https://www.youtube.com/watch?v=KNPYUonwOC0>) during which he referenced T.D. in a negative manner. For example, he used the terms "vicious," "vile," "vulgar," "character assassination," "attempted coup." In addition, Randy Jinks branded T.D. and others who worked in the Probate Office as liars who used lies, half-truths and innuendos in an attempted coup to have Jinks removed from his office. Jinks' public statements went beyond mere defense

and were clearly an attempt to intimidate the witnesses (T.D. and others) and to garner community support. The interview is permanently available to the public on YouTube.

4. On Thursday, June 17, 2021, Amanda Hardy, counsel for Randy Jinks, filed a subpoena with the Court of the Judiciary for service upon T.D.

5. On Friday, June 18, 2021, a federal and state holiday, T.D. was served with a subpoena to appear and produce documents for a deposition set for this coming Wednesday, June 23, 2021 at 9:30 a.m. T.D. has only two business days to obtain counsel and otherwise prepare for deposition, gather documents, and review them in preparation for a deposition scheduled to occur the second business day following the service of the subpoena.

6. The subpoena issued to T.D. commands T.D. to appear at the Sylacauga Parks & Recreation, presumably for deposition, and to produce documents described as follows:

...all notes, records, recordings, videos, text messages, emails, social media messages, photos, and any and all other documents related to the prosecution of the Judicial Inquiry Commission case against Randy Jinks including but not limited to that which has been produced to the Judicial Inquiry Commission or is intended to be produced to the Judicial Inquiry Commission...

7. The subpoena issued to T.D. violates the procedural safeguards set forth in A.R.C.P. Rule 45 as to the issuance of document subpoenas to non-parties, and, accordingly, T.D. objects to the subpoena.

8. Further, even assuming the subpoena and its document requests was properly issued, and it was not, the subpoena is not specific as to its purpose. It is overly broad, unduly burdensome, seeks information that may be protected under the rules of the Judicial Inquiry Commission or is “intended to be produced by the Judicial Inquiry Commission,” and it seeks the production of confidential and privileged information or information not in the possession of T.D.

The request is simply incomprehensible, and for this reason and others stated, is objectionable and should be quashed.

9. Further, in violation of Rule 45(c)3(a), the subpoena fails to allow reasonable time for compliance and subjects T.D., a non-party, to undue burden, expense, inconvenience, and harassment.

10. Prior to filing the subpoena at issue, counsel for Jinks did not attempt to communicate with T.D. to establish or coordinate a reasonable time and method for appearing to produce documents or present for deposition.

11. It is wholly unreasonable for counsel for Jinks to command any deponent, especially an unrepresented, interested non-party witness, to appear for deposition or to produce documents with little actual notice or time to comply.

12. Counsel for T.D. is willing to meet and confer with counsel for Jinks to determine a reasonable time for production and testimony, provided, subject to Court order of course, that the deposition be held either at the Birmingham offices of counsel for T.D. or the Judicial Building in Montgomery.

13. To T.D.'s knowledge, this case has not yet been set for trial thus there is no prejudice in quashing the subpoena to allow a reasonable schedule to be put into place.

14. T.D. has only been able to acquire counsel over the weekend, and, obviously, counsel has not had an opportunity to adequately prepare to defend this deposition and gather and review the documents requested in the attendant document requests.

15. Additionally, based on the publicly available filings in this case, counsel is unable to ascertain if the disqualification issue concerning Judge Jinks's counsel has been resolved.

16. Until the disqualification issue has been resolved, T.D. should not be required to present for deposition or have her counsel attend a meet and confer to address the deposition and document production.

WHEREFORE, T.D. objects to the deposition subpoena issued on June 18, 2021 to T.D. or, alternatively, asks that the subpoena be quashed and that said issue of the deposition of T.D. be stayed until the matters raised in this motion are addressed and resolved.

Respectfully requested this 21st day of June, 2021.

/s/ Laura S. Gibson
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 21st day of June, 2021, electronically filed the foregoing with the Court of the Judiciary, and that I have further served a copy upon the following parties, electronically and/or by placing same in the United States Mail, postage prepaid and properly addressed as follows:

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/s/ Laura S. Gibson _____