

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

TRACIE TODD
CIRCUIT COURT JUDGE
BIRMINGHAM DIVISION
CRIMINAL DIVISION
JEFFERSON COUNTY, AL

*
*
*
*
*
*

CASE NO. 58

FILED

NOV - 3 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary


**ORDER REGARDING DISTRICT ATTORNEY'S
MOTION TO QUASH SUBPOENA**

Danny Carr, as District Attorney for the Tenth Judicial Circuit, Jefferson County, Alabama, has filed a Motion to Quash Subpoena ("the motion to quash") as to a Civil Subpoena Duces Tecum ("the subpoena") filed by Judge Tracie A. Todd on October 15, 2021. The subpoena was directed to "Michael Heathman and/or the Information Technology Representative and/or the Custodian of Records for the Office of the District Attorney Tenth Judicial Circuit" ("the District Attorney's office").

Pursuant to Rule 45(c)(1), Ala. R. Civ. P. , Judge Todd and her counsel are required to "take reasonable steps to avoid imposing undue burden or expense on" the District Attorney's office. See also Rule 45(c)(3)(A)(iv), Ala. R. Civ. P. Judge Todd and her counsel also are required "to allow [the District Attorney's office] reasonable time for compliance." Rule 45(c)(3)(A)(I) , Ala. R. Civ. P.

We agree with the District Attorney that the requests in the subpoena are vague and overly broad in certain respects. However, based on the representations made in the motion to quash, it appears that some of the documents Judge Todd has requested in the subpoena may be compiled from electronic databases to the extent the District Attorney's office has control of, the ability to obtain access to, or to request the retrieval of its historical data or files from electronic servers operated by Jefferson County, where the District Attorney's office stores that information. The District Attorney is directed to make a good-faith effort to produce such documents, to the extent they reference Judge Todd, to counsel for Judge Todd on or before 5:00 p.m. on November 10, 2021, to the extent such documents are not subject to privilege or otherwise protected from disclosure by law. To the extent not hereinabove addressed, the motion to quash is granted.

DONE this the 3rd day of November, 2021.



CHRISTY O. EDWARDS
CHIEF JUDGE
COURT OF THE JUDICIARY