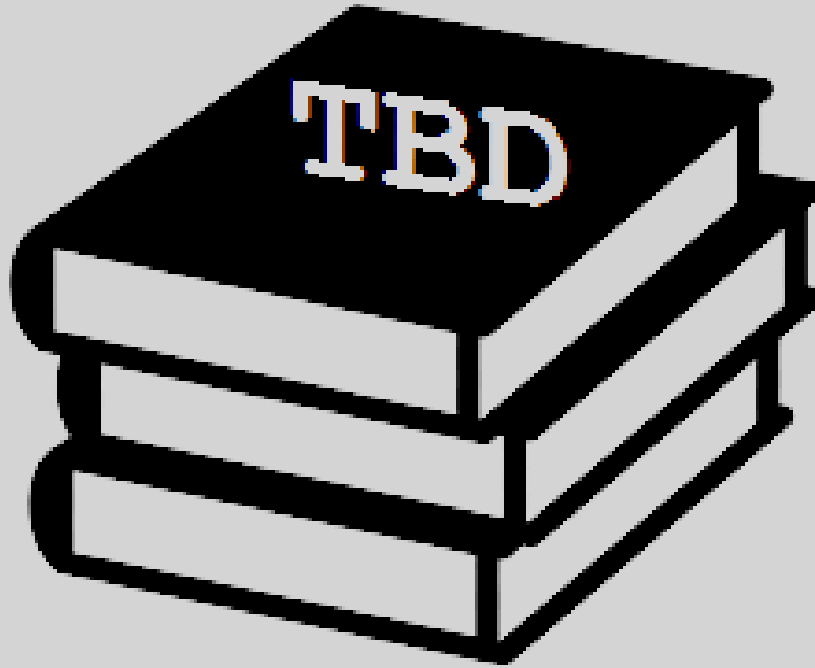


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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**RACHEL HOFER,
Petitioner,**

vs.

Case No.: 22-1149

**FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.**

_____ /

RESPONDENT’S MOTION TO QUASH SUBPOENA DUCES TECUM

COMES NOW Respondent, Florida Department of Corrections, and respectfully moves this court to quash the subpoena duces tecum issued to Marcha Beane for lack of relevance and in support thereof states:

1. Petitioner, Rachel Hofer, filed a Charge of Discrimination (Charge Number 510-2017-00587) with the Equal Employment Opportunity Commission (“EEOC”) dated January 10, 2017.

2. The instant DOAH case is an appeal of the Florida Commission on Human Relations (“FCHR”) “no cause” determination in FCHR Charge number 202230700. In FCHR Charge 202230700, Ms. Hofer alleged that she was retaliated against for filing the aforementioned EEOC Charge in 2017.

3. Petitioner filed a subpoena duces tecum to Marcha Beane, who is a Records Custodian for personnel files at the Florida Department of Corrections, dated May 16, 2022.

4. The documents requested in the subpoena duces tecum include: a record of John Palmer’s inappropriate behaviors, misconduct, and/or demotions; John Palmer’s negligence and negative evaluations in the workplace with FDC; a list of all of John Palmer’s supervisors over the years; and a record of all training provided by FDC to Petitioner.

5. As Hearing Officer Melnicoff stated in a Telephone Conference Hearing on June 22, 2022 in the instant case, the documents requested in the subpoena duces tecum are not relevant in the current proceedings.

6. Documents that are not relevant to the subject matter of a pending action are not required to be produced pursuant to a subpoena duces tecum. McCarty v. Schultz’ Est., 372 So. 2d 210, 212 (Fla. 3d DCA 1979).

7. Furthermore, a subpoena duces tecum is not to be utilized for a mere “fishing trip” for information that may or may not exist. Id.

WHEREFORE, the Department hereby requests this Court enter an Order quashing subpoena duces tecum issued on Marcha Beane dated May 16, 2022.

Respectfully submitted,

/s/ Maria S. Dinkins

MARIA S. DINKINS, Assistant General Counsel

Florida Bar No.: 97958

Florida Department of Corrections

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Tallahassee, FL 32399-2500

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Fax: (850) 410-3073

Email: Maria.Dinkins@FDC.myFlorida.com

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of this Respondent's Motion to Quash subpoena duces tecum to Rachel Hofer via E-mail at rachel.hofer.lmhc@gmail.com on this 22nd day of June 2022.

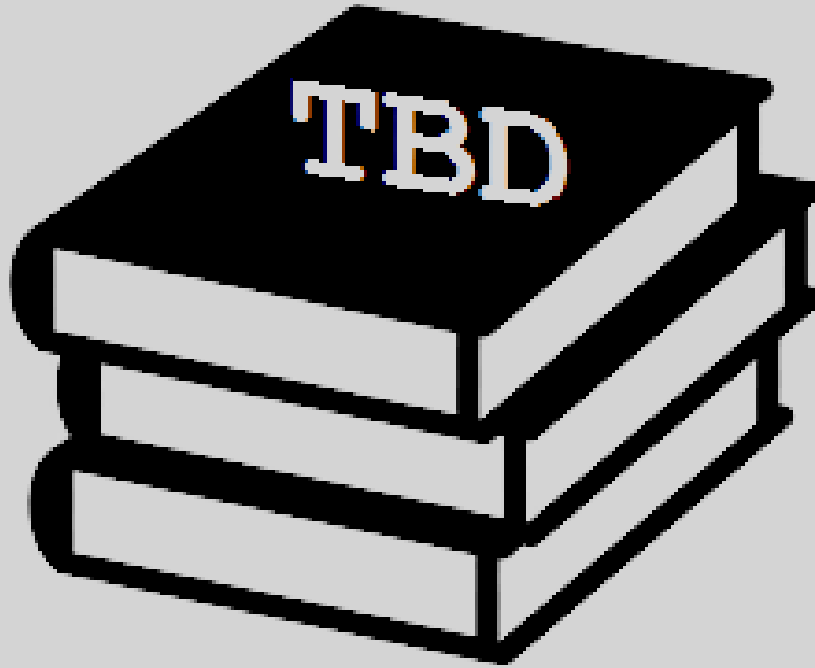
/s/ Maria S. Dinkins

Maria S. Dinkins

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