STATE OF NODTH	CARCUMA	-4	File No.	
STATE OF NORTH	CAROLINA		The No.	18-CVS-11
HAYWOOD	County	and the state of t	In The (General Court Of Justice Superior Court Division
Name Of Plaintiff DEBORAH KING	0010 1	AN 28 PM 4:		_ capanal court Division
	7019 J	WIN SO IN 4.	MOTION COV	ED QUEET
Name Of Defendant	RSUS	ouniy, c.		
HAYWOOD REPUBLICAN AL	LIANCE, ET AL.			
Name And Address Of Attomey Or Party, It appearance or change of address)	Not Represented (complete for initial	Name Of Firm	ule 5(b), Rules of Praction	ce For Superior and District Courts
H. JEFFERSON POWELL 210 SCIENCE DRIVE	71	FIRST AMEN	DMENT CLINIC AT	T DUKE LAW SCHOOL
DURHAM, NC 27708		Telephone No.		X No.
Attorney Bar No.		(919)	613-7168	(919) 613-7262
14422		☐ Initial App	earance in Case	☐ Change of Address
	M	OTION		sylange of Address
Type of Motion (For each motion, enter code for Type of Motion from list on reverse side; if OTHR, describe motion)	By (Identify Part	ty)	Agair	nst (Identify Party)
QUSH	☑ All DEFENDANT		X All PLAINTIFF	
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01/25/	2019	Signature of Attorney	Por Pourl	11
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E: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the chitical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a Motions (AOC-CV-752), General Civil (AOC-CV-751), or Court Action (AOC-CV-753) cover sheet.

STATE OF NORTH CAROLINA HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

2019 JAN 28 PM 4: 05

Civil Action No. 18-CVS-116

IN THE MATTER OF DEBORAH KIN			
Plaintiff,)		
v.	DEFENDANT'S MOTION TO QUASH SUBPOENA)		
HAYWOOD REPUBLICAN ALLIANCE, ET AL.			
Defendants.)		
)		
)		

Pursuant to N.C. R. Civ. P. 45(d)(3), Defendant Eddie Cabe respectfully moves this Court to quash the subpoena served upon Paul Yeager.

- 1. The plaintiff's counsel set the date of the deposition of Paul Yeager without consulting the defendant's counsel.
- 2. The defendant is the only individual, non-organizational defendant remaining in the case.
- 3. Upon receiving notice of the deposition, defense counsel contacted the plaintiff's counsel on January 8, 2018 to inform the plaintiff that they had a conflict with the deposition date due to an out-of-state hearing on a separate matter that had been previously scheduled.
- 4. The plaintiff's counsel agreed during that phone conversation that if the plaintiff did not settle the case with Eddie Cabe in the coming days, the plaintiff would reschedule the deposition to an agreeable date.
- 5. Defense counsel has not been advised by Plaintiff on a settlement decision.
- 6. The defendant's counsel has made three attempts to contact the plaintiff's counsel in the past two weeks by telephone and e-mail regarding the status of a settlement decision and the rescheduling of the deposition date.
- 7. The plaintiff's counsel has not responded to any of defense counsel's communications.

Now, therefore, Movant respectfully requests this court quash the subpoena.

/s/ H. Jefferson Powell

Email: powell@law.duke.edu

Phone: 919-613-7168

First Amendment Clinic at Duke Law School

210 Science Drive Durham, North Carolina 27708 Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing Motion to Quash Subpoena on the person named below by electronic mail.

This 25th day of January, 2019.

Russell L McLean, III Counsel for the Plaintiff 1878 Camp Branch Road Waynesville, NC 28786

/s/ H. Jefferson Powell

Email: powell@law.duke.edu

Phone: 919-613-7168

First Amendment Clinic at Duke Law School

210 Science Drive

Durham, North Carolina 27708

Counsel for Defendant