



CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
SOUTH ALABAMA MEDICAL &	)	Civil Action No. 02-CV-25-901925
REHAB LLC, et al.,	)	
	)	
Defendants.	)	

STARNES DAVIS FLORIE LLP’S OBJECTION TO SUBPOENAS, MOTION TO QUASH, AND MOTION FOR PROTECTIVE ORDER

COMES NOW Starnes Davis Florie, LLP, a non-party, and respectfully objects to two subpoenas Plaintiff seeks to serve on it; moves to quash both subpoenas pursuant to Alabama Rule of Civil Procedure 45(c)(3)(A); and moves for a Protective Order pursuant to Rules 26(c) and 45(c) of the Alabama Rules of Civil Procedure. In further support hereof, Starnes Davis Florie LLP respectfully states as follows.

INTRODUCTION

The subpoenas at issue are: (1) the subpoena filed as Doc. 414 on August 26, 2026 (“First Subpoena”) and (2) the subpoena filed as Doc. 424 on August 28, 2026 (“Second Subpoena”). Both subpoenas demand that Starnes produce, within five days of service, three broad categories of documents: (a) payment records, checks, wire transfer records, ACH records, credit card authorizations, payment ledgers, and trust account ledgers relating to its legal fees in this case; (b) retainer agreements, engagement letters, and third-party payment agreements; and (c) correspondence regarding third-party payors – all covering the time period from July 2025 to present.

On August 26, 2026, Plaintiff filed the First Subpoena (Doc. 414) demanding documents related to payments for legal services rendered to Starnes's clients, including checks, wire transfers, ACH records, trust account ledgers, retainer agreements, engagement letters, third-party payment agreements, and correspondence regarding third-party payors. The First Subpoena demanded compliance within five days of service.

On August 28, 2026, Plaintiff filed the Second Subpoena (Doc. 424) seeking similar categories of documents related to payments for legal services rendered to additional clients. The Second Subpoena demanded compliance within five days of service.

Notwithstanding its objections herein and without waiver, in an effort to address the subpoenas and resolve the discovery requested without Court involvement, Starnes contacted Plaintiff. Before being served with the subpoenas, Starnes provided Plaintiff with documents sufficient to demonstrate who paid Starnes's legal fees, how much was paid, and when payments were made. Plaintiff responded it needed more information. As such, Starnes respectfully submits the following to avoid waiver.

ARGUMENT

Starnes objects to the subpoenas to the extent they seek information prepared in anticipation of litigation or trial or protected by the attorney-client privilege, work product doctrine, or other privilege.

Additionally, the subpoenas are procedurally deficient as they only allow five days to respond. Rule 45(a)(3)(C) expressly mandates "[t]he subpoena shall specify a reasonable time to comply of no less than fifteen (15) days after service[.]" Both subpoenas demand production within five days of service. Thus, the subpoenas directly violate the

procedural requirements of Rule 45 and renders the subpoenas deficient on their face. By demanding compliance in one-third the time mandated by the Rules, the subpoenas are unenforceable as a matter of law.

Finally, the subpoenas seek information that is cumulative and duplicative of Starnes's prior production. In this respect, the subpoenas ask for "[c]omplete, true, and correct copies of any and all documents sufficient to identify the source[s] of all payments (including retainers, advances, interim payments, and final payments) for legal services rendered on behalf of" Defendants. *See* Doc. 414, 424. Starnes has produced documents sufficient to identify who paid its legal fees, the amount paid, and the dates of payment. Plaintiff thus already possesses the information the subpoenas demand. Rule 26(b)(2)(B) authorizes this Honorable Court to limit discovery that is "unreasonably cumulative or duplicative." ALA. R. CIV. P. 26(b)(2)(B). The subpoenas fall within Rule 26's prohibition. Requiring Starnes to produce additional documents on the same topics would serve no legitimate discovery purpose and would only impose unnecessary burden on a non-party.

WHEREFORE, PREMISES CONSIDERED, Starnes Davis, Florie, LLP respectfully requests that this Honorable Court quash the First and Second Subpoenas (Doc. 414 and 424) and enter a Protective Order prohibiting further discovery from it regarding client fee arrangements, client payment sources, retainer agreements, trust account records, engagement letters, privileged attorney-client communications, or attorney work product.

Respectfully submitted this 11th day of September 2026.

s/Cole R. Gresham

Cole R. Gresham

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2026, I filed the foregoing with the Clerk of the Court via the electronic filing system, which will send notification to all counsel of record.

s/ Cole R. Gresham

Cole R. Gresham