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FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAY 24 2010
MAY 24 2010

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 08 CR 846
)	
vs.)	Judge Joan Lefkow
)	
Former Chicago Police Commander JON BURGE,)	
)	
Defendant.)	

Flint Taylor's Motion To Quash Defendant Burge's Subpoena *Duces Tecum*

Flint Taylor, by and through himself, and his attorneys, hereby moves this Honorable Court to quash Defendants Burge's subpoena *duces tecum* served upon him pursuant to Fed. R. Crim P. 17(c)(2).

1. On April 21, 2010, Defendant Burge served attorney Taylor with a subpoena *duces tecum* seeking documents concerning all cases he and his office have litigated against the City of Chicago for the past twenty years. (See Subpoena *duces tecum* attached hereto as Exhibit A)

2. The information sought is completely irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.. See *United States v. Carter*, 65 Fed. Appx. 559, 561 (7th Cir. 2003) (only materials that are admissible as evidence are subject to subpoena).

3. The subpoena, which seeks detailed information concerning hundreds of cases, is also manifestly over broad and unduly burdensome, and therefore compliance is both unreasonable and oppressive. See, Fed. R. Crim P. 17(c)(2).

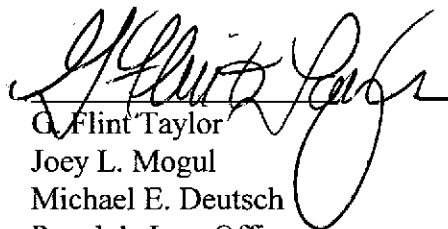
4. Additionally, much of the information Defendant Burge seeks is publicly available,

including all settlements, fee petitions, fee orders, and verdicts Taylor and his office have filed and/or obtained against the City of Chicago, Taylor, therefore, should not be forced to produce materials readily available to Burge. *United States v. Eden*, 659 F.2d 1376, 1381 (9th Cir. 1981) (“the proponent must also demonstrate that the subpoenaed materials are not available from any other . . .”).

5. Furthermore, subpoena should also be quashed because Burge and his lawyers, for the past 23 years, have had a direct agency relationship with the City of Chicago, who has paid them millions of dollars of taxpayer money to represent him in numerous civil cases, making the information sought not only publicly available, but also directly available from Burge’s and his civil lawyers’ principal - - - the City of Chicago.

Wherefore, for all of the above reasons, attorney Flint Taylor respectfully moves that this Honorable Court quash the subpoena served upon him by Defendant Burge.

Dated: May 24, 2010



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For attorney Flint Taylor

EXHIBIT A

AO89 (Rev. 7/95) Subpoena in a Criminal Case

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

Illinois

UNITED STATES OF AMERICA

v.

**SUBPOENA IN A
CRIMINAL CASE**

JON BURGE

Case Number: 08-CR-846

TO:

G. Flint Taylor Jr.
Peoples Law Office
1180 N Milwaukee Av 3rd Fl
Chicago, IL 60642

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE Dirksen Federal Building 219 S. Dearborn Street Chicago, IL 60604	COURTROOM 1925 (312) 435-5832
	DATE AND TIME 05/24/2010 at 9:30 A.M.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Any and all complaints, settlement agreements, jury verdicts, and lists of fees for all causes of action filed, on behalf of clients of the Peoples Law Office and/or G. Flint Taylor, against any and all Chicago Police Officers and/or the City of Chicago within the past 20 years as of April 21, 2010.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT MICHAEL W. DOBBINS	DATE APR 21 2010
(By) Deputy Clerk <i>J. Hollimon</i>	

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:
Richard M. Beuke
53 W Jackson Blvd. Ste 1410 Chicago, IL. 60604
312-427-3050

AO89 (Rev. 7/95) Subpoena in a Criminal Case (Reverse)

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ _____
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p>		
Executed on _____		_____
DATE		SIGNATURE OF SERVER

		ADDRESS OF SERVER

ADDITIONAL INFORMATION		