

DISTRICT COURT, JEFFERSON COUNTY, COLORADO Court Address: 100 Jefferson County Parkway Golden, CO 80401 Phone Number: 303 271 6215	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. STEPHEN DOUGLAS GARTIN, Defendant.	ΔCourt Use Only Δ
Kevin C. Massaro Attorney for Thomas C. "Doc" Miller 3780 S. Broadway, Suite 111 Englewood, CO 80113 Phone: 720-981-4627 Fax: 720 834 2425 Atty. Reg. #: 24682	Case Number: 04CR2541 Div./Ctrm.: 08
MOTION TO QUASH	

Comes now, Thomas C. "Doc" Miller, through Counsel, to move this Honorable Court to Quash the subpoena delivered to him on behalf of the Jefferson County District Attorney, for the following reasons:


1. Thomas C. "Doc" Miller is a lawyer, licensed to practice in the State of Colorado under Registration Number 22652.
2. Mr. Miller represented Defendant in case numbers 00 CR 3371 and in 02 CR 3011. This matter arose from 02CR3011.
3. On or about January 12, 2006, Mr. Miller was given a subpoena compelling his testimony in this matter.
4. Pursuant to the Colorado Rules of Professional Conduct 1.9(c):

(c) A lawyer who has formerly represented a client in a matter or whose present or former law firm has formerly represented a client in a matter shall not thereafter:

- (1) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or rule 3.3 would permit or require with respect to a client, or when the information had become generally known;
 - (2) reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.
5. Mr. Miller terminated representation of Defendant, but an attorney cannot be examined without the consent of his client as to any communication made by the client to him or the advice given thereon in the course of professional employment. C.R.S. §13-90-107 (1)(a)(V)(b). The statute provides no time limit for expiration of attorney-client privilege.
 6. Since terminating representation of Defendant in the aforementioned prior matters, Thomas C. "Doc" Miller and/or his wife, Judith Z. Phillips, have been sued civilly in the Boulder County Court by Defendant, the U.S. District Court by Defendant's associate, Chas Clements, and the District Court in Denver by Defendant's associate, Pamela White Hadas.
 7. The matters filed by Clements and Defendant were dismissed by motion.
 8. In addition to their civil pleadings, these persons within have also filed grievances against the license to practice law of Thomas C. "Doc" Miller with the Colorado Supreme Court's Attorney Regulation Council.
 9. Absent Mr. Gartin's consent to discuss or relate privileged communications, or an exception under the law, Thomas C. "Doc" Miller cannot provide testimony in this matter.

WHEREFORE, Thomas C. "Doc" Miller respectfully requests this Honorable Court grant the foregoing Motion to Quash because of the aforementioned potential violations of RPC 1.9(c) and C.R.S. § 13-90-107(1)(a)(V)(b).

Respectfully submitted this 18th day of January, 2006.



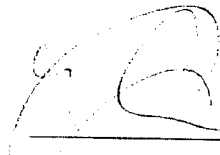
Kevin C. Massaro, #24682

Certificate of Service

I hereby certify that on January 18, 2006, a true and correct copy of the foregoing Motion to Quash was placed in the United States Mail, postage prepaid, and addressed to the following parties:

Dennis Hall, Esquire
Jefferson County District Attorney's Office
500 Jefferson County Parkway
Golden, Colorado 80401

Steve Douglas Gartin
2908 10th Street NW
Albuquerque NM 87197



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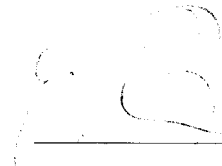
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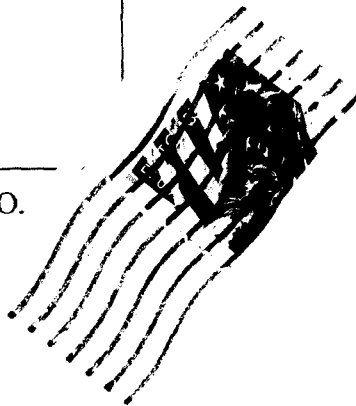
Plaintiff,

v.

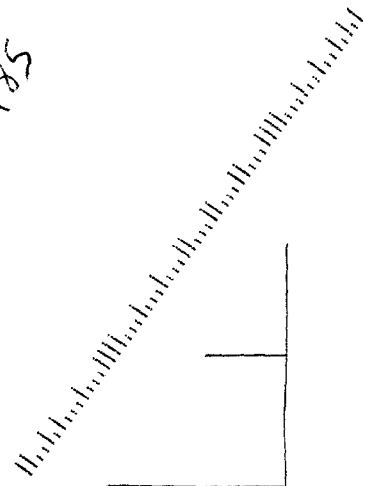
STEPHEN DOUGLAS GARTIN,

Defendant.

Kevin C. Massaro
Attorney for Thomas C. ...
3780 S. Broadway, Suite ...
Englewood, CO 801 ...
Phone: 720-981-...
Fax: 720 834 2...
Atty. Reg. #: ...



Steven Douglas Gartin
2908 10th Street NW
Albuquerque NM 87197 POB 70185



Comes
subpr

Kevin C. Massaro, Esq.
Englewood Law Building
3780 South Broadway, Suite 111
Englewood, CO 80113

Handwritten signature: Kevin C. Massaro

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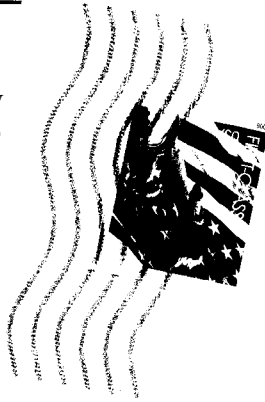
fin.

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Quash

Dennis Hall, Esquire
Jefferson County District Attorney's
500 Jefferson County Parkway
Golden, Colorado 80401



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Albuquerque NM 87197

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Albuquerque NM 87197
POB 70185

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