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

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 Counsel.
  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 18<sup>th</sup> day of January, 2006.

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Kevin C. Massaro, #24682