

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

In Re: C. Robert Manby, Jr., Esq.
PRB File No. 2019-089

RULING ON RESPONDENT’S MOTION TO EXTEND DISCOVERY DEADLINE

On or about March 10, 2021 Respondent, C. Robert Manby, Jr., Esq., filed a motion to extend the deadline in the Scheduling Order that requires depositions to be completed by March 15, 2021. Respondent states that he has requested and eventually subpoenaed, but is still waiting to receive, documents from a doctor who has been identified as an expert witness by Disciplinary Counsel in this proceeding. Production of the requested documents was apparently delayed based on the need to obtain a release from the representative of an estate. Respondent requests that the Panel order the witness to produce the requested information by a date certain and allow Respondent an additional 10 days following production to take the deposition.

Respondent has not filed any motion to enforce a subpoena, nor has he served his motion on the witness or on the estate representative. Moreover, any effort by Respondent to enforce a subpoena must be pursued not from this Panel, but rather from a court. *See* A.O. 9, Rule 15(A)(3) (“Any . . . superior judge in the county in which the attendance or production is required may, upon proper application, enforce the attendance and testimony of any witness and the production of any documents subpoenaed.”).

While the Panel will allow some additional time to take the deposition, it will not grant the open-ended extension sought by Respondent. The Panel hereby grants a limited extension of the deposition deadline – until the close of business on **March 30, 2021** – without prejudice to Respondent moving, for good cause, to extend that deadline further if he deems it necessary. In reviewing any such request for a further extension, the Panel will expect that Respondent has

promptly pursued all available legal process to obtain the documents requested (if they have not been produced since the filing of Respondent's current motion) and, in addition, that Respondent has attempted to schedule and take the deposition on the day that documents are scheduled to be produced. Respondent has not demonstrated that the deposition cannot proceed the same day after review of the documents.

SO ORDERED.

Dated: March 19, 2021

Hearing Panel No. 2

By:



James A. Valente, Esq., Chair



Amelia W.L. Darrow, Esq.

Brian Bannon, Public Member