

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

CASE NO. 2008-CF-00319

JANET LANDRUM,
Defendant.

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

2009 OCT 28 AM 10:55

FILED FOR RECORD
R.B. SHORE

ORDER DENYING
CMI, INC.'S MOTION TO QUASH SUBPOENA DUCES TECUM

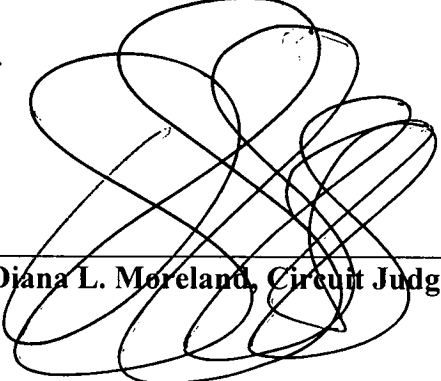
This matter is before the Court on the CMI, Inc.'s Motion To Quash Witness Subpoena Duces Tecum Served on Its Registered Agent, filed with the Court on October 15, 2009. The Court has reviewed the Motion and is otherwise duly advised in the premises.

The issue here is whether a corporation is subject to the Court's in-state subpoena power where the corporation maintains a registered agent and does business within the state. In essence, the question is whether the rules conferring personal jurisdiction over a corporation as a *defendant* also confer jurisdiction over a corporation for purposes of a *subpoena*. This question was answered in the affirmative by the Third District in *General Motors Corp. v. State*, 357 So. 2d 1045 (Fla. 3d DCA 1978). Although courts of several other states have reached the opposite conclusion, no other appellate decision of this state is on point. Thus, the Court is bound by the holding in *General Motors*. See *State v. Hayes*, 333 So. 2d 51 (Fla. 4th DCA 1976). Moreover, the Movant's attempt to

distinguish *General Motors*, based on a purported difference in breadth between the State's and a criminal defendant's investigatory powers, is unavailing.

Accordingly, it is **ORDERED AND ADJUDGED** that CMI, Inc.'s Motion To Quash is **DENIED**.

DONE AND ORDERED in Chambers, Bradenton, Manatee County, Florida,
this 27 day of October 2009.



Diana L. Moreland, Circuit Judge

CERTIFICATE OF SERVICE

I certify that on this 27 day of October 2009, copies of the foregoing Order were furnished by mail to:

Edward G. Guedes, Esq.
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Ste. 700
Coral Gables, FL 33134

Pamela J. Buha, Esq.
Office of the State Attorney
1112 Manatee Avenue West, Sixth Floor
Bradenton, FL 34205

Mark Lipinski, Esq.
518 12th Street
Bradenton, FL 34205

By: 
Judicial Assistant