



## News & Updates

### **COURT GRANTS NON-PARTY EXPERT'S MOTION TO QUASH SUBPOENA EVEN THOUGH ITEMS SOUGHT DEEMED RELEVANT**

In this federal court motion, Dr. Arthur Frank moved to quash the subpoena served on him by Honeywell International Inc. as a defendant in a pending Eastern District of North Carolina asbestos case, *Yates v. Ford Motor Co., et al.* Honeywell subpoenaed Dr. Frank, a prolific plaintiff's expert in asbestos cases and a non-party to the North Carolina action, concerning his successful lobby of the National Cancer Institute (NCI) to change language on its website and in its "Fact Sheets" regarding cancer risks to automobile mechanics who were exposed to asbestos from brake jobs. Dr. Frank moved to quash the subpoena and Honeywell and Ford Motor Company, as an interested party, opposed the motion.

The court found the defendants had shown that Dr. Frank's documents and deposition were relevant since plaintiff's counsel in the North Carolina case used the NCI Fact Sheet to cross-examine Honeywell's expert witness in Daubert hearings. However, the court granted Dr. Frank's motion, finding that defendants did not "need" the discovery it sought from Dr. Frank and stated: "The Court accordingly holds that the Yates Subpoena should be quashed because Honeywell and Ford have not shown a need for the documents or deposition testimony they seek from Dr. Frank. This desired discovery can, should, and likely will be obtained under more appropriate circumstances and in the appropriate forum—i.e., the next asbestos case where Dr. Frank is designated as an expert and the 2009 NCI Fact Sheet is relevant. Dr. Frank's Motion for Protective Order and/or to Quash the Subpoena is granted."

Read the full decision [here](#).

If you have questions about how this decision may impact your business, please contact:

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#### **Files**

[Asbestos Case Tracker - PA - August 14, 2015.pdf](#)

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