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IN THE SUPERIOR COURT OF WALKER COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
Plaintiff,

CIVIL ACTION

vs.

TOMMY RAY BRENT
MARSH
Defendant,

FILED IN OFFICE

NOV 17 2003

Sue Williams
Clerk

NO. 03CR 20884 -
20887

MOTION TO QUASH AND WRITTEN OBJECTIONS
TO NON-PARTY SUBPOENA TO DAN RONAN

Pursuant to O.C.G.A. §§ 24-10-22(b) and 24-9-30, non-parties WAGA-TV, FOX 5 (hereinafter "FOX 5") and television reporter Dan Ronan respectfully move this Court for an Order quashing the Defendant's subpoena demanding that Mr. Ronan appear and testify as a witness in this action. First, the subpoena is unreasonable and oppressive under the peculiar circumstances of this case. Second, Mr. Ronan's testimony sought by the Defendant is privileged under O.C.G.A. § 24-9-30 and the First Amendment, and the Defendant has not overcome the privilege in this case.

Pursuant to Uniform Superior Court Rule 6.1, this Motion is accompanied by the attached memorandum in support.

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This 17th day of November, 2003.

A handwritten signature in cursive script, appearing to read "Cynthia L. Counts", written over a horizontal line.

Cynthia L. Counts
Attorney for Plaintiff
Georgia State Bar No. 190280

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Atlanta, Georgia 30306
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CERTIFICATE OF SERVICE


This is to certify that I have this day served a copy of the within and foregoing **MOTION TO QUASH NON-PARTY SUBPOENA OF DAN ROWAN** upon all counsel of record by hand-delivery addressed as follows:

McCracken Poston
Attorney At Law
P.O. Box 1130
Ringgold, GA 30736

Honorable Herbert "Buzz" Franklin
District Attorney, LMJC
P. O. Box 1025
LaFayette, GA 30728

This 17th day of November, 2003.

509


Cynthia L. Counts
Attorney for Plaintiff
Georgia State Bar No. 190280

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