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7 KENNETH JACOBY

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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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12 KENNETH JACOBY,  
13 Moving Party,  
14 vs.  
15 BOARD OF SUPERVISORS OF THE  
UNIVERSITY OF LOUISIANA SYSTEM,  
16 Responding Party.  
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Case No. \_\_\_\_\_

*Pending in USDC, Middle District of Louisiana,  
Case No. 3:22-cv-00338-BAJ-SDJ*

**NOTICE OF MOTION AND MOTION TO  
QUASH SUBPOENA DIRECTED TO NON-  
PARTY JOURNALIST KENNETH JACOBY,  
OR, IN THE ALTERNATIVE, FOR A  
PROTECTIVE ORDER**

1 PLEASE TAKE NOTICE that on December 14, 2023, or as soon thereafter as counsel may  
2 be heard in person or via videoconference or teleconference, as the Court may allow, Non-Party  
3 Journalist Kenneth Jacoby, who lives and works in Sacramento County, California, will and does  
4 move to quash the subpoena directed to Jacoby to produce documents, information, or objects or to  
5 permit inspection of premises in a civil action issued and served on October 31, 2023 (the  
6 “Subpoena”) by the Board of Supervisors of the University of Louisiana System (“ULS Board”),  
7 one of several defendants in the Title IX case *Jane Doe v. Board of Supervisors of the University of*  
8 *Louisiana System*, No. 22-cv-00338-BAJ-SDJ, pending in the United States District Court for the  
9 Middle District of Louisiana. Jacoby seeks an order quashing the subpoena and precluding the  
10 disclosure of materials and/or information constituting or concerning Jacoby’s unpublished  
11 newsgathering materials, sources of information, confidential information, or newsgathering  
12 techniques. In the alternative, Jacoby seeks a protective order limiting the disclosure of materials  
13 sought by the Subpoena.

14 Jacoby brings this motion pursuant to Federal Rule of Civil Procedure 45(d), Local Rule  
15 251, the First and Fourteenth Amendments to the Constitution of the United States of America, the  
16 common law, Federal Rule of Evidence 501, California Constitution, art. 1, § 2(b), California  
17 Evidence Code § 1070, and, to the extent it is applicable, Louisiana’s reporter’s shield law, La. R.S.  
18 45:1452.

19 Jacoby objects to, and moves to quash the Subpoena as substantively improper because,  
20 *inter alia* and as set forth in more detail in the forthcoming Joint Statement, the Subpoena: seeks  
21 unpublished newsgathering information and confidential sources protected by the reporter’s  
22 privilege/shield; burdens a non-party with discovery of documents available through alternative  
23 sources, including from public sources and parties to the underlying lawsuit; is cumulative with  
24 other discovery; seeks information beyond what is relevant to important issues in the case; and  
25 subjects a non-party journalist to an undue burden, including but not limited to the significant  
26 burden imposed by the need to review and produce documents under a protective order for a lawsuit  
27 involving a Jane Doe plaintiff, multiple confidential sources, and highly sensitive subject matter.  
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1 This Motion is based on this Notice of Motion and Motion, and forthcoming Joint Statement  
2 with its accompanying Declarations and Exhibits, per the procedures outlined in Local Rule 251.

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4 DATED: November 13, 2023

JASSY VICK CAROLAN LLP

5  
6 /s/ Jean-Paul Jassy

7 JEAN-PAUL JASSY

8 Counsel for Moving Party and Non-Party

9 Journalist KENNETH JACOBY  
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