

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RACHEL CAROL FILSOOF,

Plaintiff,

- against -

ANDREW J. COLE,

Defendant.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**AMENDED**

**MEMORANDUM AND ORDER**

21 Civ. 1791 (NRB)


Pending before the Court is plaintiff's letter motion to quash a subpoena issued to a non-party witness. See ECF Nos. 159-160. Defendant opposed plaintiff's motion. See ECF Nos. 165-66.

While the Court is fully aware that the scope of discovery is not coterminous with admissible evidence, discovery is nevertheless limited to relevant evidence. Fed. R. Civ. P. 26(b)(1). In this regard, the Federal Rules of Evidence are instructive. See, e.g., Hughes v. Twenty-First Century Fox, Inc., 327 F.R.D. 55, 58 (S.D.N.Y. 2018). Having carefully read defendant's submissions, the Court does not discern any examples of subject matter that would be relevant and/or admissible under FRE 403 and 404. In addition, the Court is mindful of the concerns that support the issuance of a protective order under FRCP 26(c) and the ability to terminate or limit a deposition under FRCP 30(d)(3). Accordingly, the motion to quash the subpoena is

granted. Given this ruling, all documents originally from the witness and other references to sensitive/highly personal information about him should be filed under seal. Counsel are directed to effectuate this direction.

Finally, the Court cannot conclude this decision without noting the utter hypocrisy of both sides shifting positions on the issue of personal privacy depending on their view of litigation advantage.

Dated: New York, New York  
March 9, 2022

  
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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE