

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Cindy Tyree v. Kirk A. Melton, Randslaw, PLLC, J. Justin May, and Johnson May, PLLC

Tyree · No. 1:24-cv-00231-BLW · Decided January 30, 2026

SUMMARY

The United States District Court for the District of Idaho considered the Family Businesses’ motion to quash amended non-party subpoenas issued by Cindy Tyree in her professional negligence action against her former attorneys. The court held that the subpoenas were relevant but overly broad and unduly burdensome as written, and permitted Tyree to amend them subject to limitations concerning relevance, duplication, alternative sources, particularity, and a January 1, 2018 cutoff date. The motion to quash was granted in part and denied in part, and the request for attorneys’ fees and costs was denied.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	January 30, 2026
DOCKET	1:24-cv-00231-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a professional-negligence action against her former attorneys and served amended non-party subpoenas on three family-owned businesses involved in the underlying representation. The non-party businesses moved to quash the subpoenas, and Plaintiff sought a continuance of certain case-management deadlines pending production.
STANDARD OF REVIEW	The court applied the standards governing discovery relevance, proportionality, and undue burden under Federal Rules of Civil Procedure 26(b)(1), 26(b)(2)(C), and 45(d)(1), (d)(3)(A).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

discovery dispute

civil procedure

commercial litigation

attorney fees

costs

PRACTICE AREAS

civil procedure

professional negligence

legal malpractice

discovery

QUESTIONS PRESENTED

1. Whether the amended non-party subpoenas imposed an undue burden under Federal Rules of Civil Procedure 26 and 45.
2. Whether the subpoenaed documents were relevant and proportional to Tyree's professional-negligence and damages claims.
3. What limitations on the subpoenas were necessary concerning alternative sources, documents already accessible to Tyree, particularity, and time period.
4. Whether the non-party businesses were entitled to attorney fees and costs incurred in seeking to quash the subpoenas.

HOLDINGS

1. The subpoenas, as written, imposed an undue burden and had to be quashed in part, but the motion to quash was denied as to requests that complied with the limitations stated in the decision.
2. The records identified by Tyree's experts as necessary to evaluate the former attorneys' professional performance and potential damages were relevant to the action, but documents not identified by those experts were not shown to be relevant on the record presented.
3. Tyree could not use the subpoenas to obtain documents that could be obtained from a more convenient, less burdensome, or less expensive source, or documents she already possessed or could access.
4. The subpoenas had to be limited to clearly identified documents and, generally, documents created on or after January 1, 2018, with an exception for the businesses' organizing documents.
5. The family businesses were not entitled at that time to attorney fees and costs incurred in seeking to quash the subpoenas.

KEY QUOTATIONS

“A party “may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.”” (4)

“must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.” (4)

“weigh the burden to the subpoenaed party against the value of the information to the serving party.” (4)

FACTUAL BACKGROUND

Tyree retained the defendant attorneys in connection with an Idaho state-court dispute concerning her ownership interest in three family-owned businesses. That dispute settled in 2023, and the businesses later sued Tyree for

breach of settlement. In her federal professional-negligence action against the attorneys, Tyree sought extensive records from the businesses through non-party subpoenas to support her experts' evaluation of the attorneys' performance, business valuation, and alleged damages.

PROCEDURAL HISTORY

Tyree previously litigated an ownership dispute involving the family businesses in Idaho state court, settling that action in 2023. The family businesses later sued Tyree for alleged breach of the settlement. Tyree then filed this federal professional-negligence action against her former attorneys; the court dismissed her additional claims, leaving professional negligence as the remaining claim. The family businesses moved to quash amended subpoenas seeking business, financial, governance, and communications records.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Tyree may further amend and serve the subpoenas only to the extent the requests comply with the decision: they must be limited to documents identified by Kunz or Barnes, not obtainable from the former attorneys or another more convenient source, not already accessible to Tyree, sufficiently particularized, and generally dated January 1, 2018 or later, except for organizing documents.

CASES CITED

- Rocky Mountain Med. Mgmt., LLC v. LHP Hosp. Group, Inc., 2013 WL 6446704, at *2 (D. Idaho Dec. 9, 2013)
- High Tech Medical Instrumentation v. New Image Indus., 161 F.R.D. 86, 88 (N.D. Cal. 1995)
- United States v. Columbia Broadcasting System, 666 F.2d 364, 371-72 (9th Cir. 1982)
- Soto v. Castlerock Farming & Transp., Inc., 282 F.R.D. 492, 504 (E.D. Cal. 2012)
- United States v. IBM, 83 F.R.D. 97, 104 (S.D.N.Y. 1979)
- Travelers Indem. Co. v. Metropolitan Life Ins. Co., 228 F.R.D. 111, 113 (D. Conn. 2005)
- Exxon Shipping Co. v. U.S. Dep't of Interior, 34 F.3d 774, 779 (9th Cir. 1994)
- Lipsky v. Cronin, 2024 WL 3888721, at *2 (D.S.D. Aug. 21, 2024)
- Landmark Am. Ins. Co. v. Gargoyle Mgmt. Inc., 2024 WL 5424424, at *6 (N.D. Tex. Nov. 19, 2024)
- Heilman v. Lyons, 2010 WL 5168871, at *1 (E.D. Cal. Dec. 13, 2010)
- Hendricks v. Total Quality Logistics, LLC, 275 F.R.D. 251, 255-56 (S.D. Ohio 2011)
- Kelly v. Pima Cnty. Sheriff, 2025 WL 2586788, at *3 (D. Ariz. Aug. 28, 2025)
- Moon v. SCP Pool Corp., 232 F.R.D. 633, 636-38 (C.D. Cal. 2005)
- digEcor, Inc. v. e.Digital Corp., 2008 WL 4335539, at *5 (D. Utah Sept. 16, 2008)

