

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY,  
CAMDEN VICINAGE

Geraldine Capobianco Jones, et al. v. Amanda Ryan, et al.

Jones · No. Civil No. 23-4557 (KMW/EAP) · Decided January 23, 2026

SUMMARY

The United States District Court for the District of New Jersey resolves several discovery motions arising from a boundary dispute and related alleged police misconduct. The court denies the Thompson Defendants’ motion to quash a Rule 45 subpoena directed to surveyor Guy DeFabrites, grants Plaintiffs’ cross-motion to compel his deposition, and denies the request to limit and seal discovery. The court concludes that the Thompson Defendants lack standing to challenge the nonparty subpoena on relevance and undue-burden grounds and that no showing of good cause supported sealing.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of New Jersey, Camden Vicinage                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Elizabeth A. Pascal                                                                                                                                                                                                                                                                                  |
| JURISDICTION          | United States District Court for the District of New Jersey, Camden Vicinage                                                                                                                                                                                                                         |
| DECIDED               | January 23, 2026                                                                                                                                                                                                                                                                                     |
| DOCKET                | Civil No. 23-4557 (KMW/EAP)                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The court decided jointly a motion by the Thompson Defendants to quash a Federal Rule of Civil Procedure 45 subpoena directed to nonparty surveyor Guy DeFabrites, Plaintiffs' cross-motion to compel compliance with the subpoena, and the Thompson Defendants' motion to limit and seal discovery. |
| STANDARD OF REVIEW    | Discovery and subpoena-enforcement matters are committed to the district court's broad discretion. The court applied the Federal Rules of Civil Procedure governing discovery, subpoenas, standing, waiver, stays of discovery, and sealing of judicial records.                                     |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                          |

## PARTIES

Geraldine Capobianco Jones, Rhys E. Jones, Sr., Rhys E. Jones, Jr., Liam Jones v. Amanda Ryan, Daryl Hill, Daniel Thompson, Elizabeth Thompson, Daniel Thompson, Jr., Jamie Anne Champ, Sergeant First Class Baugh, State of New Jersey

## TOPICS

discovery dispute civil procedure service of process title disputes torts

## PRACTICE AREAS

civil procedure discovery subpoenas real estate boundary dispute civil rights fraud

## QUESTIONS PRESENTED

1. Whether the Thompson Defendants had standing to move to quash a Rule 45 subpoena served on nonparty surveyor Guy DeFabrites.
2. Whether Plaintiffs were entitled to compel DeFabrites's compliance with the subpoena when DeFabrites himself had not objected.
3. Whether discovery concerning the property-boundary dispute should be stayed or restricted because of a pending motion to dismiss and related state-court litigation.
4. Whether the Thompson Defendants established good cause and satisfied the applicable requirements to seal or restrict access to discovery materials.

## HOLDINGS

1. A party generally lacks standing to quash a subpoena served on a nonparty when the objection is based on relevance, undue burden, service, travel, or protection of an unretained expert's information rather than a privilege or privacy interest belonging to the moving party.
2. Plaintiffs were entitled to compel DeFabrites's compliance because they sufficiently showed that the requested testimony was relevant to their viable fraud claim, and DeFabrites had not timely objected to the subpoena.
3. The Thompson Defendants were not entitled to stay or limit discovery based merely on their pending motion to dismiss or related state-court litigation, and they failed to establish good cause or comply with the requirements for sealing discovery.

## KEY QUOTATIONS

*“Generally, a motion to quash or modify a subpoena must be brought by the individual to whom it was directed.”*

*“A party lacks standing to challenge subpoenas issued to non-parties on the grounds of relevancy or undue burden.”*

*“the mere filing of a motion to dismiss does not stay discovery.”*

*“Broad allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not support a good cause showing.”*

## FACTUAL BACKGROUND

Plaintiffs own property at 187 High Street in Maurice River, New Jersey, adjacent to property owned by Daniel and Elizabeth Thompson. The parties disputed the boundary line, and Plaintiffs alleged that the Thompsons used an original survey by Guy DeFabrites even after he withdrew or corrected it. Plaintiffs sought DeFabrites's testimony concerning the original and corrected surveys to support their fraud claim and related allegations. The Thompson Defendants challenged the subpoena and sought to prevent or seal discovery concerning the boundary dispute.

## PROCEDURAL HISTORY

Plaintiffs filed suit in New Jersey Superior Court on June 20, 2023, asserting New Jersey constitutional, federal civil-rights, emotional-distress, and fraud claims arising from a property-boundary dispute and an alleged police assault. Defendants removed the action to federal court on August 15, 2023. During discovery, Plaintiff Geraldine Jones served DeFabrites with a deposition subpoena; the Thompson Defendants moved to quash, Plaintiffs cross-moved to compel, and the Thompson Defendants separately sought to limit and seal discovery. The court denied the motion to quash, granted the motion to compel, and denied the motion to limit and seal discovery.

## DISPOSITION

other

## CASES CITED

- Nestle Foods Corp. v. Aetna Cas. & Sur. Co., 135 F.R.D. 101, 104 (D.N.J. 1990)
- Bayer AG v. Betachem, Inc., 173 F.3d 188, 191 (3d Cir. 1999)
- Stamy v. Packer, 138 F.R.D. 412, 419 (D.N.J. 1990)
- Hall v. Johnson & Johnson, No. 18-1833, 2023 WL 8830784, at \*4 (D.N.J. Dec. 20, 2023)
- Ramos v. Walmart, Inc., No. 21-13827, 2023 WL 2327208, at \*3 (D.N.J. Mar. 2, 2023)
- Aetrex Worldwide, Inc. v. Burten Distrib., Inc., No. 13-1140, 2014 WL 7073466, at \*4 (D.N.J. Dec. 15, 2014)
- Thomas v. Marina Assocs., 202 F.R.D. 433, 434-35 (E.D. Pa. 2001)
- Rudelli v. Eli Lilly & Co., No. 19-7464, 2020 WL 13694732, at \*1 (D.N.J. Nov. 13, 2020)
- Buckhead Meat Co. v. AEBC of Greenwich Corp., No. 19-16766, 2022 WL 16708988, at \*2 (D.N.J. Feb. 10, 2022)
- Government Employees Insurance Co. v. Trnovski, No. 16-4662, 2018 WL 5281424, at \*2 (D.N.J. Oct. 23, 2018)
- Green v. Cosby, 314 F.R.D. 164, 173 (E.D. Pa. 2016)
- Chazanow v. Sussex Bank, No. 11-1094, 2014 WL 2965697, at \*2 (D.N.J. July 1, 2014)
- OMS Invs., Inc. v. Lebanon Seaboard Corp., No. 08-2681, 2008 WL 4952445, at \*2 (D.N.J. Nov. 18, 2008)

- Franchitti ex rel. United States v. Cognizant Tech. Sols. Corp., No. 17-6317, 2025 WL 1557034, at \*4 (D.N.J. May 30, 2025)
- Harris v. McDonald, No. 21-1851, 2022 WL 3599394, at \*4 (M.D. Pa. Aug. 23, 2022)
- Petroleum Mktg. Grp., Inc. v. Universal Prop. Servs., Inc., No. 22-2410, 2023 WL 5985300, at \*2 (D.N.J. Mar. 30, 2023)
- Biotechnology Value Fund, LP v. Celera Corp., No. 14-4046, 2014 WL 4272732, at \*1 (D.N.J. Aug. 28, 2014)
- Tattle Tale Portable Alarm Sys., Inc. v. Calfee, Halter & Griswold, LLP, No. 11-7013, 2012 WL 1191214, at \*3 (D.N.J. Apr. 10, 2012)
- Udeen v. Subaru of Am., Inc., 378 F. Supp. 3d 330, 332 (D.N.J. 2019)
- Gerald Chamales Corp. v. OKI Data Ams., Inc., 247 F.R.D. 453, 454 (D.N.J. 2007)
- Jackson v. Trump Ent. Resorts, Inc., No. 13-1605, 2015 WL 13637411, at \*4 (D.N.J. Feb. 11, 2015)
- In re Cendant Corp., 260 F.3d 183, 192 (3d Cir. 2001)
- Pansy v. Borough of Stroudsburg, 23 F.3d 772, 786 (3d Cir. 1994)
- Publicker Indus., Inc. v. Cohen, 733 F.2d 1059, 1071 (3d Cir. 1984)
- Cipollone v. Liggett Grp., Inc., 785 F.2d 1108, 1121 (3d Cir. 1986)