

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

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

Tyree · No. 1:24-cv-00231-BLW · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Idaho denied Cindy Tyree’s motion for civil contempt and sanctions against nonparty family-owned businesses. The court held that Tyree had not demonstrated her own compliance with the court’s prior order limiting the scope of subpoenaed documents and therefore had not shown that the businesses violated that order.

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	May 4, 2026
DOCKET	1:24-cv-00231-BLW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for civil contempt and sanctions against nonparty family-owned businesses for allegedly failing to comply with an order partially granting and partially denying their motion to quash subpoenas. The district court denied the motion.
STANDARD OF REVIEW	A party alleging civil contempt must establish by clear and convincing evidence that the alleged contemnor violated the court's order. The district court has wide latitude to determine whether contempt exists and broad remedial powers after finding noncompliance.
PRECEDENTIAL VALUE	Unpublished district court memorandum decision; nonprecedential
PARTIES	Cindy Tyree v. Kirk A. Melton, Randslaw, PLLC, J. Justin May, Johnson May, PLLC

TOPICS

contempt

sanctions

discovery dispute

civil procedure

PRACTICE AREAS

Civil procedure

Discovery

Contempt

Sanctions

Professional negligence

QUESTIONS PRESENTED

1. Whether the family-owned businesses violated the court's order governing Tyree's subpoenas such that civil contempt was warranted.
2. Whether Tyree was entitled to compensatory sanctions and other coercive relief for the alleged noncompliance.

HOLDINGS

1. Civil contempt was not warranted because Tyree failed to demonstrate by clear and convincing evidence that the family-owned businesses violated the court's order; her compliance with the order was a necessary predicate to the businesses' obligations, and she had not shown that she complied with all of the order's limitations.
2. The requested civil contempt sanctions and other relief were denied because Tyree did not establish an underlying violation of the court's order.

KEY QUOTATIONS

“The party alleging civil contempt must demonstrate that the alleged contemnor violated the court’s order by ‘clear and convincing evidence,’ not merely a preponderance of the evidence.” (at 695)

“Because Tyree’s compliance with that Order is necessary to trigger the family-owned businesses’ obligations under it, Tyree has failed to show that they are in violation of the Order.” (at 12)

FACTUAL BACKGROUND

Tyree subpoenaed three family-owned businesses for records in her professional-negligence action against her former attorneys. The court's prior order limited the subpoenas to particularly described documents identified by Tyree's experts, created in 2018 or later, not discoverable from her former attorneys, and not otherwise accessible to Tyree. Tyree alleged that the businesses had not produced responsive documents, but the court found that her requests appeared not to comply fully with those limitations.

PROCEDURAL HISTORY

Tyree filed a federal professional-negligence action against her former attorneys after settling related Idaho state-court litigation involving her ownership interest in family-owned businesses. During discovery, she subpoenaed the businesses for records. The court partially granted and partially denied the businesses' motion to quash and limited the permissible discovery. Tyree then sought civil contempt, confinement of the businesses' principals, and \$41,217.50 in compensatory sanctions, but the court concluded that she had not demonstrated her own compliance with the subpoena limitations and denied relief.

DISPOSITION

CASES CITED

- In re Dual-Deck Video Cassette Recorder Antitrust Litig., 10 F.3d 693, 695 (9th Cir.)
- Shillitani v. United States, 384 U.S. 364, 370 (1966)
- Gifford v. Heckler, 741 F.2d 263, 266 (9th Cir.)
- F.T.C. v. Affordable Media, 179 F.3d 1228, 1239 (9th Cir.)
- A.B. by & through Trueblood v. Washington State Dep't of Soc. & Health Servs., 681 F. Supp. 3d 1149, 1174 (W.D. Wash.)
- Stone v. City and County of San Francisco, 968 F.2d 850, 861 (9th Cir.)
- High Tech Medical Instrumentation v. New Image Indus., 161 F.R.D. 86, 88 (N.D. Cal.)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO CINDY TYREE, an individual residing in the State of South Carolina, Case No. 1:24-cv-00231-BLW Plaintiffs, MEMORANDUM DECISION AND ORDER v. KIRK A. MELTON, an individual residing in the State of Idaho; RANDSLAW, PLLC, and Idaho professional limited liability company; J. JUSTIN MAY, an individual residing in the State of Idaho; JOHNSON MAY, PLLC, an Idaho professional limited liability company, Defendants.

INTRODUCTION Plaintiff Cindy Tyree brought this lawsuit against Defendants, her former attorneys, regarding their representation of Tyree in a dispute about her ownership interest in three family-owned businesses—Northwest Foam Products, Inc., Ransom Properties, LLC, and Ransom Commercial Properties, LLC. These family-owned businesses are not parties to this case.

Before the Court is Tyree's motion for civil contempt and sanctions. Dkt. 60. For the reasons explained below, the Court will deny this motion. BACKGROUND Tyree retained Defendants Kirk Melton and Randslaw, PLLC in 2019, who filed a lawsuit on Tyree's behalf in 2020 against the family-owned businesses in Idaho State Court. See Tyree v. Northwest Foam Products, Inc., et al., Fifth Judicial District, Case No. CV42-20-1302.

In 2021, Tyree also retained Defendants J. Justin May and Johnson May, PLLC to assist with the case. Tyree and the family-owned businesses settled the case in 2023. Later that year, the family-owned businesses sued Tyree in Idaho State Court for breach of settlement. Northwest Foam Products, Inc. et al. v. Tyree, Fifth Judicial District, Case No. CV42-23-4559.

Tyree then filed this case against her former attorneys for professional negligence.¹ As part of her case, she subpoenaed the family-owned businesses for records. They, in turn, moved to quash the subpoenas. The Court granted in part and denied in part the motion to quash. Dkt. 56.

The Court ordered that Tyree could only obtain documents from the family-owned businesses that were particularly described, had been requested by Tyree's experts, were created in 2018 or later, were not discoverable from Tyree's former attorneys, and were not 1 Tyree brought several additional claims against her Former Attorneys here, but the Court dismissed each of them except for her professional negligence action.

Dkts. 19, 28. otherwise accessible to Tyree. Dkt. 56 at 12. Tyree asserts that the family-owned businesses have not complied with this Court's Order on the motion to quash in that they have not produced responsive documents to Tyree's requests. Dkt. 60. She asks that the Court hold them in civil contempt, confine the family-owned business' principals, and assess \$41,217.50 in compensatory sanctions.

Dkt. 60. LEGAL STANDARD "The party alleging civil contempt must demonstrate that the alleged contemnor violated the court's order by 'clear and convincing evidence,' not merely a preponderance of the evidence." *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993). A district court has the inherent power to hold a party in civil contempt to enforce compliance with an order of the court.

Shillitani v. United States, 384 U.S. 364, 370 (1966). Courts also have a "wide latitude" in determining whether a party is in contempt of its orders. *Gifford v. Heckler*, 741 F.2d 263, 266 (9th Cir. 1984). As such, it is up to the court to determine whether an entity is in contempt. See *F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999).

After finding a party in contempt, federal courts have "broad remedial powers to address noncompliance." *A.B. by & through Trueblood v. Washington State Dep't of Soc. & Health Servs.*, 681 F. Supp. 3d 1149, 1174 (W.D. Wash. 2023) (collecting cases). When the least intrusive measures fail to rectify the problems, more intrusive measures are justifiable. *Stone v. City and County of San Francisco*, 968 F.2d 850, 861 (9th Cir.

1992). ANALYSIS In seeking documents from the family-owned businesses by subpoena, Tyree "must take reasonable steps to avoid imposing undue burden or expense" on those businesses. Fed. R. Civ. P. 45(a)(1)(A)(iii), (d)(1). This is all the more true because the family-owned businesses are non-parties, so they "deserve extra protection from the courts." *High Tech Medical Instrumentation v. New Image Indus.*, 161 F.R.D.

86, 88 (N.D. Cal. 1995). As the Court recently ordered, this means that Tyree must limit the documents she requests from the family-owned businesses to those identified by Tyree's experts, that were created in 2018 or later, are not discoverable from her former attorneys, are not otherwise accessible to Tyree, and have been particularly described. See Dkt. 56 at 12.

Tyree does not appear to have limited the documents she seeks from the family-owned businesses consistent with the Court's Order. See Dkt. 64-2 at 31- 45. She seems to have limited her requests

for documents by not seeking those already produced in the state court action between Tyree and the businesses, but that is not the extent of her obligation. See Dkt.

64-2 at 34. She must also limit her requests consistent with the rest of the Court's Order. See Dkt. 56 at 12. This includes not requesting documents she obtained or could obtain through this or related federal litigation with her former attorneys or documents she otherwise has access to. See Dkt. 56 at 12. Tyree has thus failed to demonstrate her full compliance with the Court's Order on the motion to quash.

Because Tyree's compliance with that Order is necessary to trigger the family-owned businesses' obligations under it, Tyree has failed to show that they are in violation of the Order. See Dkt. 56 at 12; High Tech Medical Instrumentation, 161 F.R.D. at 88.

The Court therefore denies Tyree's motion for civil contempt and sanctions. See *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d at 695. ORDER IT IS ORDERED that Plaintiff's motion for civil contempt and sanctions (Dkt. 60) is DENIED. ASE DATED: May 4, 2026 os ZA%/ 8B. Lynn Winmill iCHOs U.S. District Court Judge MEMORANDUM DECISION AND ORDER - 5