BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

FILED
THOMAS D. HALL
OCT 26 2000
CLERK, SUPREME COURT
BY

INQUIRY CONCERNING A JUDGE, MATTHEW E. MCMILLAN, CASE NOS. 99-10 & 00-17	:	SC CASE NOS.: 95,886 00-703

JUDICIAL QUALIFICATIONS COMMISSION'S OBJECTION TO SUBPOENA DIRECTED TO GEORGE BROWN

The Judicial Qualifications Commission ("JQC"), by and through its undersigned Special Counsel, hereby files its Objection to Subpoena Duces Tecum for Deposition Directed to George Brown. As grounds therefor, the JQC states as follows:

1. On or about October 18, 2000, Judge McMillan caused to be served upon George Brown a Subpoena Duces Tecum for Deposition, directing Brown to appear for a deposition on October 24, 2000 at 11:30 a.m., and to have with him at that time certain documents.

2. Among the documents subpoenaed by Judge McMillan are copies of all documents which Brown has previously furnished to the JQC.

3. To the extent Brown has furnished any documents to the JQC which are part of and constitute his original complaint to the JQC, such documents are confidential. *See In re Inquiry Concerning a Judge (Graziano)*, 696 So. 2d 744, 751

(Fla. 1997) (holding that an original complaint to the JQC is a confidential document which maintains its confidentiality throughout the entirety of the proceedings).

4. Accordingly, any complaints filed by Brown with the JQC are confidential and exempt from discovery under binding precedent.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **JUDICIAL QUALIFICATIONS COMMISSION'S OBJECTION TO SUBPOENA DIRECTED TO GEORGE BROWN** has been furnished by U.S. Mail to **BROOKE S. KENNERLY,** Executive Director, Judicial Qualifications Commission, 400 S. Monroe, The Historic Capitol, Room 102, Tallahassee, FL 32399-6000; and by Telecopier and U.S. Mail

to **THOMAS C. MacDONALD, JR., ESQ.**, General Counsel, 100 N. Tampa Street, Suite 2100, Tampa, FL 33602; **THE HONORABLE JAMES R. JORGENSON**, Chair, Hearing Panel, Third District Court of Appeal, 2001 SW 117th Avenue, Miami, FL 33175-1716; **JOHN R. BERANEK, ESQ.,** Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun St., P.O. Box 391, Tallahassee, FL 32301; **HONORABLE MATTHEW E. MCMILLAN**, 3311 46th Plaza East, Bradenton, FL 34203; **ARNOLD D. LEVINE, ESQ.**, Levine, Hirsch, Segall & Brennan, P.A., 100 S. Ashley Dr., Suite 1600, Tampa, FL 33602; **WILLIAM S. GALVANO, ESQ.,** Grimes Goebel Grimes Hawkins & Gladfelter, 1023 Manatee Ave. West, P.O. Drawer 1550, Bradenton, FL 34205; and **SCOTT K. TOZIAN, ESQ.**, Smith and Tozian, P.A., 109 N. Brush St., Suite 150, Tampa, FL 33602, this 24th day of October, 2000.

Attorney