

IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL
CIRCUIT, IN AND FOR
WALTON COUNTY,
FLORIDA

STATE OF FLORIDA
Plaintiff,

CASE NO.: 2025CF123

JOSEPH TURNER,
Defendant,

MOTION TO QUASH SUBPOENA

COMES NOW, DONALD CLARK., in his official capacity as UNDERSHERIFF of WALTON COUNTY (“Undersheriff”), by and through undersigned counsel, and hereby submits the above-styled motion and respectfully requests that this Court quash the subpoena for deposition of the Undersheriff. In support thereof, the Undersheriff respectfully states as follows:

1. On November 25, 2025, Petitioner in the above referenced action served the Undersheriff with “Subpoena for Deposition,” to take place on December 5, 2025. *See* “Attachment A.”
2. As set forth more fully below, Plaintiff’s intention to depose Undersheriff is wholly inappropriate and unnecessary as he has no independent knowledge regarding the facts of this matter, and any testimony to be elicited regarding any operations of the Walton County Sheriff’s Office (“WCSO”) could be readily obtained from lesser ranking officers at the WCSO.

THEREFORE, the Undersheriff respectfully moves this Honorable Court to grant the instant

Motion and any other relief deemed appropriate regarding this matter.

MEMORANDUM OF LAW

It is well-established in Florida that current and former agency heads and other high-ranking officials should not be compelled to testify, over an objection, “unless and until the opposing parties have exhausted other discovery and can demonstrate that the agency head is uniquely able to provide relevant information which cannot be obtained from other sources.” *Florida Office of Insurance Regulation v. Florida Department of Financial Services*, 159 So. 3d 945, 950 (Fla. 1st DCA 2015) (citing *Department of Agric. & Consumer Services v. Broward County*, 810 So. 2d 1056, 1058 (Fla. 1st DCA 2002). “A party seeking to depose a ... high ranking government official must demonstrate the personal involvement of the official in a material way or the existence of extraordinary circumstances.” *Florida Office of Insurance Regulation*, 159 So. 3d at 950 (citing *Horne v. School Board of Miami-Dade County*, 901 So. 2d 238, 241 (Fla. 1st DCA 2005); *Department of Health & Rehabilitative Services v. Brooke*, 573 So. 2d 363, 371 (Fla. 1st DCA 1991). As such, Courts have routinely held that agency heads and other high-ranking officials should not be compelled to testify unless it has been established that the testimony to be elicited is **necessary, relevant, and unavailable from a lesser ranking officer**. *Brooke*, 573 So. 2d at 371 (emphasis added); *Miami-Dade Cty. v. Dade Cty. Police Benev. Ass'n*, 103 So. 3d 236, 239 (Fla. 3d DCA 2012); *Horne*, 901 So. 2d at 240.

The policy behind the doctrine is that high-ranking government officials should not be constantly subject to litigation unless it is first shown that the testimony to be elicited is necessary and relevant and unavailable from a lesser ranking officer. *Brooke*, 573 So. 2d at 371. The doctrine is rooted in separation of powers considerations, as well as policy concerns that overly burdensome requirements for public officials could discourage people from accepting positions as public servants. *Florida Office of Insurance Regulation*, 159 So. 3d at 950 (citations omitted). This is distinguishable from the application of the “apex” doctrine in the corporate context because of the separation of powers concerns. *See Florida Office of Ins. Regulation*, 159 So. 3d at 950–51; *see*

also Citigroup Inc. v. Holtsberg, 915 So. 2d 1265, 1270 (Fla. 4th DCA 2005) (noting that to the extent the First District adopted the apex doctrine in *Dep't of Agric.* and *Horne*, those cases were distinguishable because they arose in the “governmental context, where there are policy arguments, such as not discouraging people from accepting positions as public servants, that are not applicable in the corporate context.”).

In seeking to have the Undersheriff deposed, Petitioner must: (1) exhaust other discovery tools and (2) show that Undersheriff is uniquely able to provide relevant information that could not be obtained from other sources. *See Dep't of Agric. & Consumer Servs. v. Broward Cnty.*, 810 So.

2d 1056, 1058 (Fla. 1st DCA 2002) (finding that an agency head should not be subject to deposition over objection “unless and until the opposing parties have exhausted other discovery and can demonstrate that the agency head is uniquely able to provide relevant information which cannot be obtained from other sources”).

Petitioner has not, and cannot, satisfy the first prong. First, Petitioner did not at any point during this matter serve the Undersheriff with any written discovery that would show that he has personal knowledge relating to the proceedings at hand. In fact, Petitioner has completely failed to exhaust any other discovery tools to determine whether this information was available from another source.

Second, Petitioner cannot show that Undersheriff has unique, personal knowledge regarding the proceedings that is unavailable from a lesser ranking officer. Given Petitioner’s failure to meet their burden, there is sufficient good cause for this Honorable Court to quash the subpoena duces tecum for the Undersheriff. Fla. R. Civ. P. 1.410 and 1.280. *Sunrise Shopping Ctr., Inc. v.*

Allied Stores Corp., 270 So. 2d 32 (Fla. 4th DCA 1972).

WHEREFORE, the Undersheriff respectfully requests that this Honorable Court quash the referenced subpoena duces tecum.

Respectfully submitted this 3rd day of December 2025.

/s/Candace Vlahos
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Florida's e-filing system to all counsel of record on this 3rd day of December 2025.

/s/Candace Vlahos
WCSO General Counsel

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