



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LEIGH CORFMAN,)	
Plaintiff,)	
)	
v.)	Case No.: CV-2018-900017.00
)	
ROY S. MOORE, et al.,)	
Defendants.)	

OBJECTION TO NOTICE OF INTENT AND MOTION TO QUASH
SUBPOENA FOR COMMERCIAL POLYGRAPH, INC.

COMES NOW, the Defendants in the above styled matter, and files this Objection to the Notice of Intent and Motion to Quash the Subpoena for Commercial Polygraph, Inc. and offers as follows:

1. On February 8, 2019, Plaintiff Leigh Corfman filed a Notice of Intent for this Court to issue a subpoena to Commercial Polygraph, Inc. The subpoena seeks information regarding the polygraph taken by Judge Roy Moore.
2. The subpoena seeks information that is not admissible. Rule 26(b)(1) of the Alabama Rules of Civil Procedure establishes the boundaries for the issuance of discovery. The Rule states, "*Parties may obtain discovery regarding any matter, not privileged, which is: (i) relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party; and (ii) proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.*" Leigh Corfman

has made no showing that the polygraph contributed to any alleged defamation.

3. Further, Leigh Corfman has refused to respond to an interrogatory served upon her by Judge Moore. The interrogatory asked Ms. Corfman: *“If Defendant Roy Moore confirmed that he has taken a lie detector test administered by a licensed polygraph examiner of the State of Alabama and such test complied with the standard of the Alabama Polygraph Examiners Board, would you agree to the admissibility of such test?”* Leigh Corfman’s response was, *“In addition to the foregoing General Objections, Ms. Corfman objects to this Interrogatory as speculative and improper hypothetical, unsupported by the record, and encompassing and calling for a legal conclusion. Ms Corfman further objects to this interrogatory on the ground that it seeks to ask Ms. Corfman to waive her rights under the Alabama Rules of Evidence, the Alabama Rules of Civil Procedure, and any other applicable law or rule.”*

4. Leigh Corfman has avoided responding to interrogatories regarding the polygraph, while pursuing information she knows not be admissible. The results of polygraph examinations are, in general, inadmissible in Alabama. *Stewart v. State*, 398 So.2d 369 (Ala. Cr. App. 1981). Again, none of the information sought relates to any alleged defamation of Leigh Corfman.

Wherefore, premises considered, the Defendant avers that the Notice of Intent and subpoena seeking information related to the polygraph is due to be quashed.

Respectfully submitted on this the 18th day of February, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on 18th day of February, 2019, I electronically filed the foregoing with the Clerk of the Court using the ALAFILE system, which will send notification of such filing to the following registered persons, and those not registered with the ALAFILE system were served at the email addresses listed below and by U.S. Mail, postage paid and properly addressed:

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