

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA)	
)	INDICTMENT NO.
v.)	23SC188947
)	
DONALD JOHN TRUMP, et al,)	HON. SCOTT F. McAFEE
)	SUPERIOR COURT JUDGE
Defendants.)	

CHRISTOPHER CAMPBELL'S MOTION TO QUASH SUBPOENA

COMES NOW Christopher Campbell, Esq. (hereinafter referred to as Attorney Campbell), by and through his counsel, Gabe Banks, Esq., and hereby files this "Motion to Quash Subpoena." *See* Subpoena attached hereto as Exhibit A. In support of his motion, Attorney Campbell would show this Honorable Court as follows:

INTRODUCTION

Instead of focusing his efforts on defending the underlying criminal charges pending against him in the above-styled indictment, Defendant Roman, through his counsel, has instead launched a complete fishing expedition by attempting to issue subpoenas to various witnesses in hopes to muddy the waters and obtain relief to which he is not entitled. First, Defendant Roman cast his fishing rod by issuing subpoenas to several

employees of the District Attorney's Office to appear as witnesses at the February 15TH hearing on his Motion to Dismiss the Indictment and Disqualify the District Attorney's Office. Upon information and belief, neither Defendant Roman nor his counsel has talked to a single employee who he subpoenaed.

Now, Defendant Roman seeks to cast a broader net by attempting to issue subpoenas to individuals who may happen to know the District Attorney, Fani T. Willis. Again, however, neither Defendant Roman nor his counsel have talked to any of these additional witnesses, including Attorney Campbell. Although efforts are underway to confirm this assertion, it appears that Defendant Roman and his counsel have undoubtedly been fed inaccurate information—to put it mildly—and relied upon said information to issue subpoenas to various witnesses without doing their due diligence to confirm the veracity of the information they have been fed. This is not what the practice of law is intended for, and these efforts should be promptly brought to a close.

More importantly, Attorney Campbell is currently Special Prosecutor Nathan Wade's business/law partner. Attorney Campbell was also a member of Special Prosecutor Wade's law firm during the pendency of Wade's

divorce proceedings, during which time Attorney Campbell became aware of privileged information that he cannot disclose. Accordingly, the subpoena issued to Attorney Campbell should be quashed as a matter of law.

In sum, neither Defendant Roman nor his counsel has spoken to **any** of the witnesses for whom subpoenas have been issued, including Attorney Campbell. And, neither of them can state with any degree of accuracy or good faith the content of the anticipated testimony of relevant issue currently before this Honorable Court. Instead, Defendant Roman's and his counsel's efforts can only be seen as a *complete fishing expedition* aimed to unnecessarily burden and/or harass their desired "catch of the day." For these reasons and for the reasons outlined below, the subpoena of Attorney Campbell should be quashed as a matter of law.

I. SUBPOENA TO ATTORNEY CAMPBELL MUST BE QUASHED

Defendant Roman's subpoena to Special Prosecutor Wade's current law partner and former divorce attorney is tantamount to an abuse of the subpoena power. Attorney Campbell is currently Special Prosecutor Wade's business/law partner. More importantly, as a member of the Wade law firm during the pendency of Wade's divorce proceedings, Attorney Campbell became privy to privileged information covered by the attorney-client

relationship. Any relevant information Attorney Campbell may have—and Attorney Campbell disputes he has any information relevant to any pending matter before this Honorable Court—is protected by attorney-client privilege and is, therefore, non-discoverable.

There is no more established common law privilege for confidential communication than the attorney-client privilege. *See St. Simons Waterfront, LLC v. Hunter, Maclean, Exley & Dunn, P.C.*, 293 Ga. 419, 421 (2013); *see also* O.C.G.A. § 24-5-501 (a) (2) (“There are certain admissions and communications excluded from evidence on grounds of public policy, including, but not limited to, ... **[c]ommunications between attorney and client ...**.”) (emphasis added). An extended recitation of the sanctity of the privilege is not necessary here; it is enough to note that the privilege exists “to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice.” (internal punctuation omitted) *Hill, Kertscher & Wharton, LLP v. Moody*, 308 Ga. 74, 78-79 (2020), *citing St. Simons Waterfront*, 293 Ga. at 422. Special Prosecutor Wade has not waived his privileged communication with Attorney Campbell, and any subpoena to

Attorney Campbell should be properly quashed without the need for public invocation of privilege that would lead to more reckless speculation.

WHEREFORE, Attorney Campbell respectfully requests that this Honorable Court quash the subpoena for the above stated reasons. Alternatively, Attorney Campbell requests that this Honorable Court require Defendant Roman and his counsel to proffer the specific questions and subject matter that he intends to explore during any examination prior to the hearing.

Respectfully submitted this 9th day of February, 2024.

BANKS WEAVER LLC

/s/ Gabe Banks

Gabe Banks
Georgia Bar No. 721945
Tennessee Bar No. 021377

100 Peachtree Street, NW
Suite 260
Atlanta, Georgia 30303
(404) 891.9280 (ofc.)
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gabe@banksweaver.com

EXHIBIT A

Ashtleigh Merchant
THE MERCHANT LAW FIRM, P.C.
701 Whitlock Avenue
Suite J-43
Marietta, Georgia 30064



7011 2000 0002 0569 7554



CHRISTOPHER CAMPBELL
Wade & Campbell
1827 POW FLY RD SE STE 25-110 STE 100
ATLANTA GA 30339-8606

CERTIFIED MAIL
ATLANTA, METRO

2024 PM



\$8.690
US POSTAGE
FIRST CLASS
FROM 30064
01/29/2024
stamp
endicia



06250014950444



THE MERCHANT LAW FIRM

TRIAL AND APPELLATE ATTORNEYS

Ashleigh B. Merchant

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Suite J-43

Marietta, Georgia 30064

Telephone: (404) 510-9936

Facsimile: (404) 592-4614

ashleigh@merchlawfirmpe.com

January 25, 2024

VIA CERTIFIED MAIL REGISTERED RETURN RECEIPT REQUESTED AND
EMAIL TO: Chris@wadeandcampbell.com

Christopher Campbell
Wade & Campbell
Building 25
1827 Powers Ferry Road, S.E., Suite 100
Atlanta, Georgia 30339

**Re: State v. Michael Roman; Case No. 23SC188947; Superior Court of
Fulton County; Subpoena For Attendance At Hearing**

Dear Mr. Campbell:

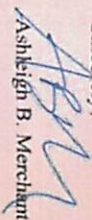
I am counsel for Michael Roman, the defendant in the above-referenced matter. Enclosed please find a subpoena issued pursuant to O.C.G.A. § 24-13-21, *et seq.* commanding your appearance as a witness on behalf of Mr. Roman at Mr. Roman's pre-trial hearing, which is scheduled to begin on **Thursday, February 15, 2024, at 9:30 a.m. before Honorable Scott McAfee, at the Superior Court of Fulton County, Courtroom 5A, 136 Pryor Street, S.W., Atlanta, Georgia 30303.**

We understand that you may wish to recover travel, lodging or other expenses associated with your attendance, please note that when a subpoena, such as yours, is issued on behalf of the accused in a criminal case, Georgia law provides that "witness fees and mileage need not be tendered." O.C.G.A. § 24-13-25. We apologize for any inconvenience this may cause you, and we appreciate your anticipated cooperation with the enclosed subpoena.

While you are under no obligation to speak with me outside of court, if you are willing to speak with me for a few minutes it will greatly enable me to narrow down the questions I will ask you on the witness stand and save both you and the Court considerable time. Please let me know if you can speak for a few minutes in advance of the court date.

State v. Roman
Letter to Defense Witnesses Encl. Witness Subpoena
January 25, 2024
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Sincerely,


Ashleigh B. Merchant

by BBA w/
expos.
perme in

ABM/ssb
Encl.
cc: John B. Merchant, III (w/encl. via e-mail only)

WITNESS SUBPOENA

State of GEORGIA, Fulton County

TO: Christopher A. Campbell
Wade & Campbell Firm
Building 25
1827 Powers Ferry Road, S.E., Suite 100
Atlanta, Georgia 30339
Email: Chris@wadeandcampbell.com

You are hereby commanded, that laying all other business aside, you be and appear at the Superior Court before the presiding Judge in the Fulton County Courthouse, Atlanta, GA to be held on February 15, 2024 at 9:30am in the Courtroom 5A, 136 Pryor Street S.W., Atlanta, Georgia 30303 then and there to be sworn as a witness for the Defendant in the case of State v. Michael Roman, Case Number 23SC188947.

You are required to attend from day to day and from time to time until the matter is disposed of.

HEREIN FAIL NOT, under the penalty of law by authority of the Honorable Scott McAfee, Judge of said court this 1/25/2024.

Any Questions Contact:
Ashleigh B. Merchant
701 Whitlock Ave. Suite J-43
Marietta, Ga. 30064
ashleigh@merchantlawfirmpe.com
Phone No. 404-510-9936

Issued by Attorney for Defendant,
Clerk of Superior Court

Ashleigh Merchant by JBM
Subpoena Issued by Attorney of Record for Defendant

RETURN OF SERVICE

I served the within witness Christopher Campbell with this subpoena on 1/25/24 at 9:30 am by delivering to him/her in person, or by registered or certified mail.

Served by: Ashleigh Merchant by JBM
Name and Title

"Pursuant to OCGA 24-13-21(c-h), this subpoena form is being provided to the attorney of record and shall be completed prior to service upon the witness. If an individual misuses a subpoena, he or she shall be subject to punishment for contempt of court and shall be punished by a fine of not more than \$300.00 or not more than 20 days imprisonment, or both. A witness may contact the Clerk of Court's office to verify this subpoena was issued for a valid case."

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true and correct copy of the within and foregoing *Motion to Quash* upon all parties or counsel of record via, United States Mail, hand delivery, email, and/or the Clerk's e-filing system.

This 9th day of Februray, 2024.

BANKS WEAVER LLC

/s/ Gabe Banks

Gabe Banks
Georgia Bar No. 721945
Tennessee Bar No. 021377

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