

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

TUSHAWN CRAIG and MARQUETTA
STOKES,

Plaintiffs

vs

CORNERSTONE TRADING GROUP, LLC,
SETH SMITH, and CITY OF RICHMOND,
INDIANA,

Defendants.

Civil Action No.
1:23-cv-01575-TWP-MJD

MOTION TO QUASH SUBPOENA OF NON-PARTY JOURNALIST MIKE EMERY

Mike Emery, a news reporter for Civic Spark Media, LLC d/b/a Western Wayne News, hereby moves pursuant to Fed. R. Civ. P. 45(c)(3)(A), to quash the subpoena issued to him by Defendants Cornerstone Trading Group, LLC and Seth Smith, in the civil lawsuit currently pending in the U.S. District Court for the Southern District of Indiana: *Craig, et al. v. Cornerstone Trading Group, LLC*, No. 1:23-cv-01575-TWP-MJD (the “Cornerstone Lawsuit”) to appear and testify on September 17, 2026. In support of this Motion, Mr. Emery shows the court the following:

1. At all times relevant to the Cornerstone Lawsuit, Mr. Emery was a news reporter employed by Civic Spark Media, LLC d/b/a Western Wayne News (“WWN”) and engaged in news gathering activities. *See* Declaration of Mike Emery (“Emery Decl.”) filed contemporaneously herewith.

2. Mr. Emery is not a party to this litigation. Emery Decl. ¶ 2.

3. On August 28, 2026, Mr. Emery received a subpoena on behalf of Defendants Cornerstone Trading Group, LLC and Seth Smith (collectively, the “Cornerstone Defendants”), seeking to have him appear for testimony on September 17, 2026 at 9:00 a.m. Ex. A to Emery Decl.

4. The subpoena was sent to Mr. Emery by certified mail to a Post Office Box maintained by his employer, WWN, and listed on WWN’s website as the mailing address for the newspaper. Emery Decl. ¶ 4.

5. Any information that Mr. Emery has regarding this litigation and any dispute between the parties to this litigation was gathered solely in his role as a news reporter for WWN. Emery Decl. ¶¶ 7-8.

6. Based on discussions with counsel for the Cornerstone Defendants, it appears that Mr. Emery’s testimony is being sought solely as a vehicle to put statements contained in a news article he wrote for the WWN newspaper on April 19, 2023 (which appears on the Cornerstone Defendants’ Exhibit List, *see* Dkt. No. 361) before the jury. *See* Declaration of Kristopher Cundiff (“Cundiff Decl.”), filed contemporaneously herewith, ¶ 9.

7. The subpoena should be quashed (1) pursuant to Fed. R. Civ. P. 45(d)(1) and (3)(a)(iv), because it places an undue burden on a non-party, and (2) under Fed. R. Civ. P. 45(d)(3)(a)(iii), because it seeks disclosure of unpublished newsgathering information protected from disclosure by the Indiana shield law, Ind. Code §§ 34-46-4-1 *et seq.*, and the qualified reporter’s privilege under the U.S. Constitution and common law.

8. Counsel for Mr. Emery met and conferred with counsel for the Cornerstone Defendants, the subpoena-issuing parties, via telephone on September 4, 2026; communicated by telephone with counsel for defendant City of Richmond on the same day; and communicated via

email with counsel for all of the parties between September 3, 2026 and September 8, 2026. *See generally* Cundiff Decl. Counsel for the Cornerstone Defendants has stated that the Cornerstone Defendants will not withdraw the subpoena and will oppose the relief sought by this Motion. Cundiff Decl. ¶ 14; Ex. B.

FOR THE REASONS SET FORTH ABOVE and further set forth in the attached Brief in Support of the Motion, the supporting declarations of Mike Emery and Kristopher Cundiff, all exhibits thereto, all matters of which the Court shall take judicial notice, and on such argument as may be presented by counsel at any hearing on this Motion, non-party Mike Emery respectfully requests an order:

1. Quashing the subpoena on the grounds that it (1) imposes an undue burden on a non-party and (2) seeks privileged or other protected matter; and
2. Awarding reasonable attorney's fees pursuant to Rule 45(d).

Dated: September 9, 2026.

/s/ Kristopher Cundiff
Kristopher L. Cundiff, Atty # 35193-49
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Attorney for non-party Mike Emery

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2026, a copy of the Motion to Quash Subpoena of Non-Party Journalist Mike Emery (the “Motion”), the concurrently filed Brief in support of the Motion, the supporting declarations of Mike Emery and Kristopher Cundiff and exhibits thereto, were filed electronically through the Court’s Electronic Case Filing System,

/s/ Kristopher Cundiff
Kristopher L. Cundiff