

Circuit Court for Montgomery County  
Case No.: C-15-FM-23-001205

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

712

September Term, 2023

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TIMOTHY LEIWEKE, ET AL.

v.

CRAIG BERNSTEIN, ET AL.

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Graeff,  
Zic,  
Wilner, Alan M.  
(Senior Judge, Specially Assigned)

JJ.

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Opinion by Wilner, J.

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Filed: March 13, 2024

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Md. Rule 1-104 (a)(2)(B).

This is a divorce case, but the only issue before us is a discovery dispute – whether the Circuit Court for Montgomery County erred in declining to quash certain discovery subpoenas issued on behalf of the husband and served upon two co-employees of the wife’s corporate employer who had supervisory authority over her and had knowledge of her duties, compensation, and work schedule.

In a protective order, the court did quash three document requests but declined to strike the others. The two co-employees, Timothy Leiweke and Francesca Bodie, appellants here, complain that (1) the document requests were far too broad and onerous and (2) they should have been directed to the wife’s corporate employer Oak View Group, LLC (hereafter OVG) rather than the two co-employees.

Some background is necessary. The parties – Craig Bernstein [hereinafter appellee] and Randi Bernstein [hereinafter Ms. Bernstein] were married in 2011. They have two children, one 12 years old, one nine years old. The parents separated in January 2023, and both of them have filed for divorce. The children are with the mother (Ms. Bernstein). Most of the property issues were resolved by prenuptial and postnuptial agreements, but several issues remain, including child custody, child support and visitation, any monetary award, the disposition of some personal property, and some retirement issues.

Ms. Bernstein is the Senior Vice President and General Counsel to the Global Venue and Business Development unit of OVG which, we are informed by appellants, is the largest developer of sports and live entertainment venues in the world. Appellant Leiweke is OVG’s Chairman and Chief Executive Officer. Appellant Bodie is President of Business

Development and also Mr. Leiweke’s daughter. Appellants inform us that OVG employs thousands of people around the world, one of whom is Ms. Bernstein.

On April 6, 2023, counsel for the husband filed two identical subpoenas, one addressed to Leiweke and one addressed to Bodie, seeking 17 categories of documents including pay stubs and other documents that relate to Ms. Bernstein’s work schedule and hours worked since 2019, her compensation, compensation structure, salary, income, bonuses, and fringe benefits since 2019, and documents pertaining to the value of OVG. On appellants’ motion, the court struck the three requests relating to the value of OVG but denied all other relief, which is what led to this appeal by Leiweke and Bodie.

Appellants make two basic complaints: (1) that the subpoenas are overbroad and impose an undue burden on them, and (2) the subpoenas should have been directed at OVG, Ms. Bernstein’s employer, not them.

As a prelude to their argument, appellants point out, correctly, that a ruling on a motion to quash a subpoena is reviewed for whether the ruling constitutes an abuse of the court’s discretion, which has been defined in several ways but generally as existing when “no reasonable person would take the view adopted by the court.” *Metheny v. State*, 359 Md. 576, 604 (2000); *Floyd v. Balt. City Council*, 241 Md. App. 199, 208 (2019).

With respect to overbreadth, appellants cite cases holding that a subpoena is unduly burdensome if it is overbroad, seeks information irrelevant to the proceeding, or is procurable by other means. Their point seems to be that the pleadings in the case deal with personal family matters – support issues, divorce matters – in which appellants, as nonparty

individuals, have no interest but seek discovery of not only every document received or created by them but also all documents received or created by Ms. Bernstein during her employment with OVG. Those kinds of documents, they argue, should be sought from Ms. Bernstein, not from them.

Appellee responds that he tried to get that information from Ms. Bernstein but was thwarted by her attorney who claimed that she was not authorized to provide it. OVG, he added, filed a separate action in Federal court to preclude him from accessing information related to her compensation.

According to appellee, OVG, Ms. Bernstein’s employer, is the largest developer of sports and entertainment venues in the world; it employs thousands of people throughout the world, and Leiweke and Bodie are “two of its most senior executives.” He argues that they have the resources to maintain protracted litigation and have engaged in an “unrelenting game” to obstruct the dissemination of Ms. Bernstein’s compensation, benefits and work hours.

We have, in the record extract, the relevant pleadings, various motions, the subpoenas, the court’s final order, and ten blank pages. There is no indication in those documents that the court ever held a hearing in this case, nor has any transcript of a hearing been filed. The documents (except for the blank pages) speak for themselves, but appellants’ allegations of burden or why, as the direct supervisors of Ms. Bernstein, they would not be the most knowledgeable representatives of OVG to respond to the discovery requests are set forth only in their brief.

Appellee has alleged that Leiweke and Bodie signed Ms. Bernstein’s employment contracts, that Ms. Bernstein informed him that they had conversations with her regarding her compensation, annual bonuses, and deferred compensation, and that she had deleted electronic correspondence from them regarding her compensation. None of that has been denied by appellants, and none of it appears to have been tested by evidence to the contrary. Appellants’ only response, in their brief, is that even if the Court credits those assertions, that information “can be gleaned from other sources through less burdensome means.” They do not identify any other source.

On the record before us, it is abundantly clear that Leiweke and Bodie are the proper persons to respond to the subpoenas and probably, based on the record before us, they are the only persons with sufficient knowledge to respond to them.

**JUDGMENT AFFIRMED,  
WITH COSTS TO BE PAID BY  
APPELLANTS.**