

NATSO Joins Motion to Quash Subpoena in Fuel Temperature Litigation

By Lisa Mullings

Today NATSO joined a defendants' motion in the motor fuel temperature class action litigation. The "motion to quash" asks the judge to reject plaintiffs' request for documents from associations that are not parties to the lawsuit.

According to defendants, who represent "consumers," fuel retailers are violating consumer fraud protection laws by selling motor fuels "for a specified price per gallon without disclosing or adjusting for temperature expansion."

NATSO and several other national and state trade associations received subpoenas from defendants on March 27. Although NATSO is not a party to the lawsuit, the association has been asked to produce a large quantity of information, much of it related to NATSO's advocacy efforts. NATSO joined defendants in objecting to the subpoena based in significant part on the First Amendment privilege, which protects information used by an association for lobbying purposes. Additionally, the subpoena would impose an undue burden on NATSO, as most of defendants' requests seek documents back to 1970.