

NOTICE OF DEPOSITION

Civ. Pro. Before Trial: Ch. 8 ¶8:483 ff.—Notice of Deposition

[Name; state bar number]
[Firm name]
[Firm address]
[City; State; Zip Code]
[Telephone number/Fax number]
[E-mail address]

Attorneys for _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF _____

Plaintiff(s),
vs.
Defendant(s).
CASE NO.
NOTICE OF DEPOSITION

TO EACH PARTY AND TO THE COUNSEL OF RECORD FOR EACH PARTY:

YOU ARE HEREBY NOTIFIED THAT THE DEPOSITION OF [name] will be taken on [date] at [location/address] commencing at [time] and continuing from day to day thereafter until completed.

YOU ARE FURTHER NOTIFIED THAT:

[If nonparty deponent:] The deponent is not a party to this action. So far as is known to the deposing party, the deponent's address and telephone number are as follows: [Address/phone number of deponent.] This deponent has been served with a deposition subpoena, a copy of which is attached to this notice.

[If deponent is not an individual:] The deponent is not a natural person. The matters on which the deponent will be examined are as follows: [Specify with "reasonable particularity" the subject areas of the deposition in order to obligate entity to produce "most qualified" person to testify, e.g., For the dates covered by the complaint: (1) Defendant's fee-sharing arrangements with mortgage brokers. (2) Defendant's method of determining cost or value of "Processing Fees" as referred to in defendant's contracts with its customers. (3) Etc.] It is the duty of [name of deponent] to identify the individual(s) most qualified to testify on these subjects.

[If items are to be produced by party-deponent:] The deponent, who is a party to this action, is required to produce the following at the deposition: [De-

scribe documents, electronically stored information, records or other materials with "reasonable particularity," e.g., (1) All documents containing, describing or reflecting fee-sharing agreements between defendant and any California mortgage brokers. (2) All documents or records containing, describing or reflecting the method of determining the cost or value of "Processing Fees" as referred to in defendant's contracts with its customers. (3) Etc.]

[If electronically stored information is requested, and a particular form is desired, specify the form in which it is to be produced.]

[If proceedings to be recorded:] The deposition proceedings will be recorded both stenographically and by [audio/video] recording.

[Expert Witness/Treating Physician Video] The deponent is [an expert witness] [a treating physician] [a consulting physician], and the deposition proceedings will be recorded both stenographically and by [audio/video] recording. The deposing party reserves the right to use the video recording at trial in lieu of live testimony of the deponent, as provided in Code of Civil Procedure §2025.620(d).

A list of all parties or attorneys for parties on whom this Notice of Deposition is being served is shown on the accompanying proof of service.

Date: _____

[Firm name]

By _____

[Attorney name]

Attorneys for _____

OFFICIAL FORM DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

Civ. Pro. Before Trial: Ch. 8 ¶8:535 ff.—Subpoena to Nonparty Deponent ¶8:538 ff.—“Testimony Only” Subpoena

SUBP-015

Form with fields for Attorney or Party Without Attorney (Anna Maria Ortiz), Superior Court of California, County of San Simeon, and Plaintiff/Petitioner (Roland Paper Company, a limited liability company, et al.).

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known): Claudette Collier, 765 Center Street, Atlantis, CA. Tel: (777) 675-4422

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 22, 20xx Time: 9:30 a.m. Address: Law Offices of Wilkes, Chu & Ortiz 3344 Morton Street, Suite 200, Atlantis, CA

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf...
b. This deposition will be recorded stenographically and by audiotape and videotape.
c. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows: All information relating to the offering developed by Collier's Consulting for private investments in BLOG Corporation and McHeath Distributing, and related matters.

3. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: May 1, 20xx
Anna Maria Ortiz (TYPE OR PRINT NAME)
Attorney for Plaintiffs (TITLE)

PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, a limited liability company, et al.	CASE NUMBER
DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	CIV 34231

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this Deposition Subpoena for Personal Appearance by personally delivering a copy to the person served as follows:

- a. Person served (name): Claudette Collier
- b. Address where served: Collier's Consulting, 765 Center Street, Atlantis, CA

c. Date of delivery: May 2, 20xx
 d. Time of delivery: 4:15 p.m.

e. Witness fees and mileage both ways (check one):

- (1) were paid. Amount: \$ 55
- (2) were not paid.
- (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ 65

2. I received this subpoena for service on (date): May 1, 20xx

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

Martin Sender
 678 Ransom Road
 Atlantis, CA 98989
 Tel: (777) 567-7654
 San Simeon County
 Registration # 98342

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only) I certify that the foregoing is true and correct.

Date: May 3, 20xx

Date:

 (SIGNATURE)
 Martin Sender

 (SIGNATURE)

OFFICIAL FORM DEPOSITION SUBPOENA—
BUSINESS RECORDS

Civ. Pro. Before Trial: Ch. 8 ¶8:535 ff.—Subpoena to Nonparty
Deponent
¶8:540 ff.—“Business Records” Only

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anna Maria Ortiz State Bar No. 233233 Wilkes, Chu & Ortiz 3344 Morton Street, Suite 200 Atlanta, CA 98988 TELEPHONE NO.: (777) 687-6868 FAX NO.: (777) 687-6869 E-MAIL ADDRESS: wilkeschuoritz@server.net ATTORNEY FOR (Name): Plaintiffs Roland Paper Co., et al.		SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Simeon STREET ADDRESS: 5566 Main Street MAILING ADDRESS: P.O. Box 555 CITY AND ZIP CODE: Atlantis, CA 98989 BRANCH NAME: PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, et al. DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	FOR COURT USE ONLY SUBP-0110
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Simeon STREET ADDRESS: 5566 Main Street MAILING ADDRESS: P.O. Box 555 CITY AND ZIP CODE: Atlantis, CA 98989 BRANCH NAME:			
PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, et al. DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.			
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS		CASE NUMBER: CIV 34231	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
Custodian of Records, Collier's Consulting
765 Center Street, Atlantis, CA 98988

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Lannie's Copying Service	At (time): 9:30 a.m.
On (date): May 12, 20xx	
Location (address): 1435 Oak Street, Atlantis, CA 98988	

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): All DOCUMENTS relating or referring to Roland Paper Company or Max Roland from 1/1/xx through 12/31/xx sent between or among the following entities: Collier Consulting, BLOG Corporation, Mervin & Johnston, and McHeath Distributing.
 Continued on Attachment 3.
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date Issued: April 12, 20xx
Anna Maria Ortiz
(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Plaintiffs
(TITLE)

SEE FORM 8:5

PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	CIV 34231

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

- a. Person served (name): Custodian of Records, Jennifer Rondale
- b. Address where served: Collier's Consulting, 765 Center Street, Atlantis, CA
- c. Date of delivery: April 15, 20xx
- d. Time of delivery: 4:15 p.m.

- e. (1) Witness fees were paid.
Amount: \$ 35
- (2) Copying fees were paid.
Amount: \$ _____
- f. Fee for service: \$ 65

2. I received this subpoena for service on (date): April 14, 20xx

3. Person serving:

- a. Not a registered California process server.
- b. California sheriff or marshal.
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server.
- e. Exempt from registration under Business and Professions Code section 22350(b).
- f. Registered professional photocopier.
- g. Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:
Martin Sender
765 Center Street, Atlantis, CA 98989
County of San Simeon
Registration #98342

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date: April 17, 20xx

Date:

(SIGNATURE)

(SIGNATURE)

Martin Sender

PETITIONER/PLAINTIFF: ROLAND PAPER COMPANY, et al.	CASE NUMBER:
RESPONDENT/DEFENDANT: BLOG CORPORATION, et al.	CIV 34231

ATTACHMENT 3

ATTACHMENT TO DEPOSITION SUBPOENA ISSUED TO THE CUSTODIAN OF RECORDS FOR COLLIER'S CONSULTING FOR PRODUCTION OF BUSINESS RECORDS

RECORDS TO BE PRODUCED (cont'd)

- 2. All DOCUMENTS reflecting the financial data of BLOG Corporation and McHeath Distributing for the period 1/1/xx to 12/31/xx.
- 3. All DOCUMENTS showing any ownership interests, equity interests, loans or or other financial interests among Collier Consulting, Mervin & Johnston, BLOG Corporation and McHeath Industries.

The term "DOCUMENTS" means a "writing" as defined by Evidence Code section 250.

Electronically stored information shall be produced in [specify desired format, e.g., "the form or forms in which it is ordinarily maintained" "native format with metadata"].

Dated: April 12, 20xx

 Anna Maria Ortiz
 Attorney for Plaintiffs

Legal
 Solutions
 Co. Plus

DECLARATION OF CUSTODIAN OF RECORDS

Civ. Pro. Before Trial:	Ch. 8 ¶8:540 ff.—“Business Records” Subpoena ¶8:550.2 ff.—Custodian’s Affidavit
-------------------------	---

[Name; state bar number]
[Firm name]
[Firm address]
[City; State; Zip Code]
[Telephone number/Fax number]
[E-mail address]

Attorneys for _____

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF _____**

_____)	CASE NO. _____
_____))
Plaintiff(s),)	DECLARATION OF [NAME] AS
vs.)	CUSTODIAN OF RECORDS
_____)	[EVIDENCE CODE §1561(a)]
Defendant(s).))
_____))

[Name] certifies and declares:

1. I am over the age of eighteen years, and I am not a party to this action. I have personal knowledge of each fact stated in this declaration.
2. My business address is [name of company, address of company]. My occupation [employment] [business] is [state occupation, e.g., office manager for company name].
3. I am the duly authorized custodian of the following described business records: [Copy from deposition subpoena or otherwise describe records, e.g., Correspondence between Collier Consulting and BLOG corporation, Mervin & Johnston and McHeath Distributing relating or referring to Roland Paper Company or Max Roland from 20xx through 20xx.]
4. A deposition subpoena has been served on me for the production of those business records.

[If records produced in whole or in part:]

¶ _____. I have delivered all of the above-described records [except (describe records not produced)] as follows:
[by making the records available to the deposition officer for inspection, [add, as appropriate: copying, testing, and sampling] at my office, or by permitting the deposition officer to pick up from my office copies I have prepared.]
[or]

[by delivering true, legible and durable copies of the records to the deposition officer in a sealed envelope, in accordance with Evidence Code §1560(c).]

[or]

[by making the originals available for inspection and [as appropriate, copying, testing and sampling] at my office to [name] [the attorney for the subpoenaing party] [the representative of the attorney for the subpoenaing party].]

[¶] —. The records I have produced were prepared by [describe persons responsible, e.g., personnel in the financial services department] in the ordinary course of their duties at or near the time of the events recorded.

[¶] —. The records were prepared in the following manner: [describe mode of preparation of records, e.g., by searching sales records for the years for which documents were requested.]

[If records not produced:]

[¶] —. I have not delivered the subpoenaed records because [state reason, e.g., all business records of Collier Consulting from the time period requested have been destroyed.]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this [date] day of [month] at [city], California.

Date: _____

[Name of Declarant]

**OFFICIAL FORM DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF
DOCUMENTS AND THINGS**

Civ. Pro. Before Trial: Ch. 8 ¶8:535 ff.—Subpoena to Nonparty Deponent
 ¶8:556 ff.—“Records and Testimony”
 Subpoena

SUBP-020

A NONPARTY (NON-PARTY WITHOUT ATTORNEY) (Name, State Bar number, and address) Anna Maria Ortiz (SBN 233233) Wilkes, Chu & Ortiz 3344 Morton Street, Suite 200 Atlantis, CA 98988 TELEPHONE NO: (777) 687-6868 FAX NO. (Optional) (777) 687-6869 EMAIL ADDRESS (Optional): wilkeschuortiz@server.net ATTORNEY FOR (Name): Plaintiffs Roland Paper Co., et al.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Simeon STREET ADDRESS: 5566 Main Street MAILING ADDRESS: P.O. Box 555 CITY AND ZIP CODE: Atlantis, CA 98989 BRANCH NAME:		
PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, a limited liability company, et al. DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.		
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS		CASE NUMBER CIV 34231

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Great Loans, Inc., 300 Main Street, Atlantis, CA
 Tel: (777) 687-7000

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 25, 20xx Time: 9:30 a.m. Address: Law Offices of Wilkes, Chu & Ortiz
 3344 Morton St., Suite 200, Atlantis, CA

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
 See Attachment 3
4. Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows: Representations made by or information provided by Mary Smith regarding her business interests in, and the value of, BLOG Corporation and/or McHeath Distributing, and related matters.
- Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$600 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 27, 20xx

Anna Maria Ortiz _____ (SIGNATURE OF PERSON ISSUING SUBPOENA)
 Attorney for Plaintiffs

(TYPE OR PRINT NAME) (Proof of service on reverse) (TITLE) Page 1 of 2
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS Code of Civil Procedure §§ 2020.510, 2025.220, 2025.230, 2025.250, 2025.620, Government Code, § 69527.1

Legal Solutions & Plus

PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, a limited liability company, et al.	CASE NUMBER
DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	CIV 34231

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents and Things by personally delivering a copy to the person served as follows:

- a. Person served (name): Mark Morris
- b. Address where served: Great Loans, Inc., 3600 Main Street, Atlantis, CA
- c. Date of delivery: April 29, 20xx
- d. Time of delivery: 4:15 p.m.

- e. Witness fees and mileage both ways (check one):
 - (1) were paid. Amount: \$ 55
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$
- f. Fee for service: \$ 65

2. I received this subpoena for service on (date): April 28, 20xx

- 3. Person serving:
 - a. Not a registered California process server
 - b. California sheriff or marshal
 - c. Registered California process server
 - d. Employee or independent contractor of a registered California process server
 - e. Exempt from registration under Business and Professions Code section 22350(b)
 - f. Registered professional photocopier
 - g. Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number, and, if applicable, county of registration and number:
 Martin Sender
 678 Ransom Road, Atlantis, CA 98989
 Tel: (777) 567-7654
 San Simeon County
 Registration # 98342

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only) I certify that the foregoing is true and correct.

Date: May 1, 20xx

Date:

Martin Sender

(SIGNATURE)

(SIGNATURE)

SHORT TITLE: Roland Paper Company et al., v. BLOG Corporation, et al.	CASE NUMBER CIV 34231
---	--------------------------

ATTACHMENT (Number): 3
(This Attachment may be used with any Judicial Council form.)

DEFINITIONS

The definitions, instructions and requirements of Code of Civil Procedure sections 1985.3, 1985.8, and 2020.410 are incorporated by this reference and adopted as if fully set forth herein. As used in this subpoena, the words and phrases below shall have the following meanings:

1. "YOU" and "YOUR" shall mean the company to whom this subpoena is directed, Great Loans, Inc., and any of its controlled present or former subsidiaries, joint-ventures, affiliates, parents, assigns predecessor or successor companies and divisions, or names under which it has been known.
2. "WRITING" shall have the same meaning and scope as provided in Evidence Code section 250.

INSTRUCTIONS

The Subpoena requires that YOU produce all WRITINGS in YOUR possession, custody or control that are described in the Requests below. Such WRITINGS shall be produced in the manner maintained by YOU in the ordinary course of your business.

1. WRITINGS attached together must not be separated.
2. WRITINGS shall be produced as they are kept in the ordinary course of business, except as to electronically stored documents, which shall be produced as instructed below.
3. WRITINGS that are stored electronically or in machine-readable form shall be produced in electronic form with sufficient information to allow plaintiffs' counsel to access, search and read such data or WRITINGS.
4. Excerpts from databases may be produced in native format or tab delimited text. All other WRITINGS shall be produced in searchable .pdf format, with load files.
5. WRITINGS which exist in hard copy shall be produced on an external hard drive or CD-ROM or DVD in searchable .pdf format.

REQUESTS FOR PRODUCTION

1. All WRITINGS from or relating to Mary Smith (DOB 12/17/XX; SSN xxx-xx-9231) including but not limited to loan applications, financial statements, loan documentation and loan records for 1/1/20xx through the present.
2. *[Continue with additional categories of documents requested]*

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1
(Add pages as required)

OFFICIAL FORM NOTICE TO CONSUMER OR EMPLOYEE

Civ. Pro. Before Trial: Ch. 8 §§8:556 ff.—“Records and Testimony” Subpoena
 §§8:566 ff.—Added Requirements Where Personal Records of Consumer Subpoenaed
 §§8:580 ff.—Additional Requirements for Subpoenaing Personal Records of a Consumer

— PREPARE ALL THE FORMS

— ISSUE
 — SERVE PARTY WHO IS SUBJECT OF THE SUBPOENA
 — WAIT 5 DAYS
 — SERVE SUBPOENA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anna Maria Ortiz (State Bar No. 233233) Wilkes, Chu & Ortiz 3344 Morton Street, Suite 200 Atlantis, CA 98988 TELEPHONE NO.: (777) 687-6868 FAX NO. (Optional): (777) 687-6869 E-MAIL ADDRESS (Optional): wilkeschuortiz@server.net ATTORNEY FOR (Name): Plaintiffs Roland Paper Co., et al.		SUBP-026 FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Simeon STREET ADDRESS: 5566 Main Street MAILING ADDRESS: P.O. Box 555 CITY AND ZIP CODE: Atlantis, CA 98989 BRANCH NAME:		CASE NUMBER CIV 34231	
PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, et al.		DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)			

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): MARY SMITH

1. PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Roland Paper Company and Max Roland SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): May 25, 20xx
 The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): Mark Morris, Great Loans, Inc.
 A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:

a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.

b. If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: April 23, 20xx

Anna Maria Ortiz _____
(TYPE OR PRINT NAME) (SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:
- The specific grounds for my objection are as follows:

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

PLAINTIFF/PETITIONER: ROLAND PAPER COMPANY, et al. DEFENDANT/RESPONDENT: BLOG CORPORATION, et al.	CASE NUMBER: CIV 34231
--	---------------------------

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 - (1) Name of person served: _____ (3) Date served: _____
 - (2) Address where served: _____ (4) Time served: _____
 - b. **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (1) Name of person served: Geoffrey Baines, attorney for Mary Smith (3) Date of mailing: April 23, 20xx
 - (2) Address: 2700 Center Street (4) Place of mailing (city and state):
Atlantis, CA 98988 Atlantis, CA
 - (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - c. My residence or business address is (specify): 3344 Morton Street, Suite 200, Atlantis, CA
 - d. My phone number is (specify): (777) 687-6868

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 23, 20xx

John Stone

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. **ON THE REQUESTING PARTY**
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - (i) Name of person served: _____ (iii) Date served: _____
 - (ii) Address where served: _____ (iv) Time served: _____
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (i) Name of person served: _____ (iii) Date of mailing: _____
 - (ii) Address: _____ (iv) Place of mailing (city and state): _____
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. **ON THE WITNESS**
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - (i) Name of person served: _____ (iii) Date served: _____
 - (ii) Address where served: _____ (iv) Time served: _____
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (i) Name of person served: _____ (iii) Date of mailing: _____
 - (ii) Address: _____ (iv) Place of mailing (city and state): _____
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify): _____
4. My phone number is (specify): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

CONSUMER'S RESPONSE TO A SUBPOENA FOR CONSUMER RECORDS

1. **Parties** to the lawsuit whose records are being sought must file a motion for a protective order.
2. **Nonparties** whose records are being sought only need to fill out the "Objection by Non-party to Production of Records" section on the Notice to Consumer and POS section. Serve all parties.

NOTE: Action must be taken within 5 days after service otherwise the documents may be produced.

SCENARIOS FOR CONSUMER RECORDS

1. Bill and Carol get into a car accident. Bill sues Carol for a broken arm. Bill alleges \$5,000 in medical bills. Carol may want to issue a Subpoena directing the doctor to produce Bill's medical records at the trial. Since these records are consumer records, Carol will need to give notice to Bill that his records are being sought. Carol must prepare and issue the Subpoena, the Notice to Consumer and related documents. She must serve all the documents on Bill at least 5 days prior to serving the Subpoena on the doctor.

2. Let's say the same facts as #1, yet Carol knows that a psychotherapist treats Bill. Carol may want to subpoena those records. She is vindictive and wants to embarrass Bill. Carol must serve Bill with the Notice to Consumer and related Subpoena documents 5 days prior to serving Bill's psychotherapist. Bill may not want his psychotherapist knowing that he is being sued. He would have to file a motion for a protective order. (Since Bill's mental state is not at issue in this case the protective should be granted.)

3. Bill sues Carol for defamation. Bill alleges that Carol, Bill's former girlfriend called his current girlfriend, Virginia and said many terrible and nasty things. Carol has said that she has never spoken with Virginia and does not even know who she is. Virginia says that Carol called Virginia from a number Bill recognizes as Carol's cell phone.

Bill would like Carol and Virginia's cell phone records to prove that they have spoken to each other. Bill is going to have to prepare and issue a Subpoena, Notice to Consumer, and related documents. He will have to serve Carol and Virginia with the documents at least 5 days prior to serving the cell phone provider.

- Carol is a **party** so she will have to file a motion for a protective order.
- Virginia is **not a party** and may simply complete the objection and POS section of the Notice to Consumer.

NOTE: Many phone and utility companies will comply with Subpoenas served by mail.