

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Doe I and Doe II

SUBPOENA IN A CIVIL CASE

Individuals whose true names are
unknown

Case Number: 07-CV-00909-CPD
District of Connecticut

To: Autocadmil
c/o Leighton Cohen, Esq., 465 West Linden Street
Allentown, PA 18102

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. (See Attachment A for deposition topics)
To be negotiated.

DATE AND TIME

14 days from service,
to begin at 9:00 a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See Attachment A.

PLACE
IKON, Attn: Steve Schultz
1760 Market Street, 8th Floor
Philadelphia, PA 19103

DATE AND TIME
Ten days from date of
service.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below:
PREMISES

DATE AND TIME

Any organization and a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (PRINT IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff
ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER
Benjamin W. Barakowitz, Keker & Van Nest, LLP
710 Sansome Street, San Francisco, CA 94111 Telephone: 415-391-5400

1. If sworn by providing an affidavit under oath (subject to penalties, under district order retransmission). (See Rule 45, Federal Rules of Civil Procedure, Subsections (d), (f), and (g), on oath page)

PROOF OF SERVICE

SERVED BY (PRINT NAME)

MANNER OF SERVICE

DATE

SERVED ON (PRINT NAME)

TITLE

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

DECLARATION OF SERVER

Executed on DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

RULE 45, FEDERAL RULES OF CIVIL PROCEDURE, SUBPOENAS (b), (d), and (e), as amended on December 1, 2006:

(b) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS
(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and may impose sanctions if the party or attorney has not acted in this manner. The party or attorney is not liable by the subpoenaing party for reasonable attorney's fees.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of tangible electronically stored information, books, records, or documents shall produce and permit inspection, copying, testing, or sampling of the information or objects at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.
(B) Subject to paragraph (2)(C) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance, object to the subpoena and request that the court set aside or modify the subpoena. The court shall grant the objection if the subpoena is electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the person commanded to produce and permit inspection, copying, testing, or sampling may at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who has a privacy or other interest in the information, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
(i) fails to allow reasonable time for compliance;
(ii) fails to allow travel time for a person who is required to travel to a place more than 100 miles from the place where that person resides, is employed, or regularly transacts business in person, except that, subject to the provisions of clause (3)(B)(ii) of this rule, such a person may be ordered to travel if the subpoenaing party certifies to the court that the failure to do so would result in the person's absence from the trial or that it is necessary to the interests of justice; or
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
(iv) imposes an undue burden on the person to whom the subpoena is directed.

(B) If a subpoena is quashed or modified under this rule, the court shall award to the person whose subpoena is quashed or modified the reasonable expenses incurred by that person in responding to the subpoena, including attorney's fees.

(C) A person responding to a subpoena to produce documents shall produce them in a form or forms in which the person ordinarily maintains them or in a form or forms that are reasonably usable.

(D) A person responding to a subpoena need not produce the same electronically stored information in more than one form.
(E) A person responding to a subpoena need not provide discovery of electronically stored information if the person is not reasonably able to produce it.
(F) A person responding to a subpoena need not produce information that is not reasonably accessible because of its nature or location. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of its nature or location. If that showing is made, the court may nonetheless order discovery from any source that is requested by the party seeking discovery.

(G) A person who is not a party to a lawsuit and who is not otherwise involved in the litigation may object to a subpoena that is not enforceable against it. The person who objects to the subpoena shall preserve the information until the claim is resolved.

(H) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate excuse for failure to obey exists, for example, if the subpoenaing party is unable to identify the person or persons to whom the subpoena is directed, or if the subpoenaing party is unable to identify the information sought.

(I) A party who is served with a subpoena shall file a certificate of service with the court. The certificate shall include the name and address of the person to whom the subpoena was served, the date and time of service, and the name and address of the person who served the subpoena.

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ATTACHMENT A

DEFINITIONS

1. "DOCUMENTS" shall have the broadest meaning that Rule 34 of the Federal Rules of Civil Procedure allows, including any writings, drawings, graphs, charts, photographs, phonorecords, tape recordings, notes, notebooks, diaries, calendars, checkbooks, books, papers, accounts, electronic or videotape recordings, email, and any computer-generated, computer-stored, or electronically-stored matter, and other data compilations from which information can be obtained and translated, if necessary, into reasonably useable form, including documents stored on laptop computers, personal digital assistants (PDAs), Blackberrys and other similar devices.
2. The phrase "RELATING TO" means concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting upon, evidencing, describing or otherwise RELATING TO the subject matter.
3. The words "and" and "or" shall be construed in the conjunctive or disjunctive, whichever makes the request more inclusive.
4. "Any" shall mean one or more; "each" shall mean "each and every."

INSTRUCTIONS

1. You are required to produce all DOCUMENTS in the manner, form and position in which they are kept in the ordinary course of business, as required by Federal Rule of Civil Procedure Rule 45(d), including, where applicable, any index tabs, file dividers, designations or information as to the location of DOCUMENTS.
2. If you cannot respond to a document request fully, after a diligent attempt to obtain the requested information, you must answer the document request to the extent possible; specify the portion of the document request you are unable to answer; and provide whatever information you have regarding the unanswered portion.
3. In the event that any DOCUMENT called for by the requests has been destroyed, lost, discarded or is otherwise no longer in your possession, custody or control, you shall identify such DOCUMENT as completely as possible, and shall specify the date of disposal of the DOCUMENT, the manner of disposal, the reason for disposal, the person authorizing the disposal, and the person disposing of the DOCUMENT.
4. In the event any information is withheld on a claim of attorney-client privilege or work product doctrine, you shall provide a privilege log which includes at least the following information: the nature of the information contained in the withheld DOCUMENT, the date of the DOCUMENT, its source, and subject matter, and to whom that information was disclosed, such as would enable the privilege claim to be adjudicated, and any authority which you assert supports any claim of privilege.

409924.01

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents and information relating to the identification of individuals who have posted content on the AutoAdmit website using the following user names:

paulewainits
neoprag
STANFORDroll
:D
lkhhaf
yalclaw
Spanky
yisdooder
HI
David Carr
vinchimus
Cheese Eating Surrender Monkey
A horse walks into a bar
The Ayatollah of Rock-n-Rollaah
DRACULA
Sleazy Z
Wharuo
Ari Gold
Ugly Women
playboyroll
Dean_Harold_Koh
kr0nz
reminderdood
r@ygold
who is
Joel Schellhammer
Prof. Brian Leiter

409924.01

hitlerhitler

lonelyvirgin

Patrick Zeke <patrick8765@hotmail.com>

Patrick Bateman <batemanhs08@hotmail.com>

poen got a 157 LSAT.

azn, azq, azn

Dirty Nigger

leaf

U4 gunner

Kbltzer

yalets2009

AK47

This includes but is not limited to first and last names, present or last known mailing addresses, telephone numbers, e-mail addresses, registration addresses, and all logs containing the source Internet Protocol ("IP") addresses.

EXAMINATION TOPIC

1. Information relating to the identification of individuals who have posted content on the AutoAdmit website using the user names identified above in REQUEST FOR PRODUCTION NO. 1.