

Subpoena in a Civil Case - Attorney Issued
UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

DISTRICT

55 Pleasant Street, Concord, NH

LISA SYKES, et.al.

SUBPOENA IN A CIVIL CASE

V.

BAYER CORPORATION

Case Number:¹ 3:07 CV 660

TO: Kathleen Seidel

EASTERN DISTRICT OF VIRGINIA
 Richmond Division

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.

PLACE OF DEPOSITION	Avicore Court Reporters, 25 Lowell Street Manchester, NH 03101	DATE AND TIME	4/30/2008 10:00 am
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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):

PLACE	Avicore Court Reporters, 25 Lowell Street Manchester, NH 03101	DATE AND TIME	4/30/2008 10:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not 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 (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Clifford J. Shoemaker <small>Digitally signed by Clifford J. Shoemaker DN: cn=Clifford J. Shoemaker, o=Shoemaker Associates, ou, email=cliff@attorneyaccess.net, c=US Date: 2008.03.24 22:06:25 -0400</small>	3/24/2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Clifford J. Shoemaker, SHOEMAKER & ASSOCIATES, 9711 Meadowlark Road, Vienna, VA 22182 Phone: 703-281-6395 Fax: 703-281-5807 Email: cliff@attorneyaccess.net

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

DOCUMENTS AND THINGS TO PRODUCE

- (1) All documents pertaining to the setup, financing, running, research, maintaining the website: <http://www.neurodiversity.com> that specifically relates to Lisa Sykes, her son, her lawsuits (NVICP and civil litigation), her church position, her family in general, her associates, her attorneys, her Citizen's Petition (FDA Filings and Court Filings), and her physicians. This shall include, but not be limited to bank statements, cancelled checks, online or offline donation documents, and tax returns. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (2) All documents pertaining to the setup, financing, running, research, maintaining the website: <http://www.neurodiversity.com>. This shall include, but not be limited to bank statements, cancelled checks, online or offline donation documents, and tax returns. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (3) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> and any members, employees, or consultants of the US Government (including, but not limited to the US FDA, US CDC, US NIH, US HHS, US DOJ, IOM, other others) concerning any issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (4) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> and any members, employees, or consultants of the pharmaceutical industry (including, but not limited to the Bayer Pharmaceuticals, Lederle, Sanofi Pasteur, Connaught, Wyeth, Johnson & Johnson, Ortho Diagnostics and other others) concerning any issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (5) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> and any members, employees, or consultants of other advocacy groups, non-governmental organizations, concerned individuals, political action groups, profit or non-profit companies/organizations, including, but not limited to the Immunization Action Coalition, Autism Diva, Bartholomew Cubbins, Abnormal Diversity, Action for Autism, Along the Spectrum, Andrea's Buzzing About, The Art of Being Asperger Woman, Ask an Aspie, The ASMan, Asperger Square, Asperger's Conversation, Aspie Dad, Aspie Home Education, ASPIES, Aspies for Freedom, Autiemom Speaks Out, Autism Blog, The Autism Crisis: Science & Ethics of Autism Advocacy, Autism Natural Variation, Autism Podcast, Autism Squeaks, Autism Street, Autism

Watch, Autism's Edges, Autismland, Autistic Adults Picture Project, Autistic Advocacy, Autistic Conjecture of the Day, Autistic Dad, Autistic Health, Autistics.org, Ballastexistenz, Bartholomew Cubbins on Autism, Chewing the Fat, Club 166, Commentary on the State of the World, Desperately Seeking Ethics & Reason, Ed's Autism Page, The Family Voyage, Greener Pastures, Grey Matter/White Matter, Hard Won Wisdom, Hazardous Pastimes, Hollywood Spectrum Homo Autistic, Hyperlexia, Hypnagogic Malcontent, I Speak of Dreams, Ian John's neurodiveristy blod, in regione caecorum rex est luscus, Incorrect Pleasures, Interverbal, iRunman Blog, Jedi Workshop, The Joy of Autism, Killer of Sacred Cows, The Kingdom of Laurentius Rex, Left Brain/Right Brain, Life in the New Republic, The Life That Chose Me, Memory Leaves, meow meow meow... blah blah blah, Misadventures from a Different Perspective, the Misbehavior of Behaviorists (Discussion Board), Mom Not Otherwise Specified, Mom to Mr. Handsome, More Than a Label, Mother of Shrek, My Act of Combating, Neurobi gotry, My Son Has Autism, My Son's Autism, Neurotypicals Are Weird, No Autistics Allowed, Not Mercury, OASIS, Oddizms, One Dad's Opinion, Parenting a Complex Special Needs Child, PosAutive, Pre-Rain Man Autism, Processing in Parts, Radio Ca lico, Ragged Edge, Random Reminiscing Ramblingsm, The Rettdevil's Rants, Shh... Mum Is Thinking, Silver Cuckoo, Slurping Life, Snippets: Short Takes on Autistic Topics, So Much For Mercury, Soapbox Mom, Susan Senator, Sweet Perdition, < A href="http://www.thismom.com/" target=_blank>This Mom, This Way of Life, A Touch of Alyricism, Translating Autism: Autism Research, 29 Marbles, Unstrange Minds, We Go To School To Think, Whirled Peas, Whitterer on Autism, Whose Planet Is It Anyway?, Wikipedia on Neurodiversity, Zoe Notes conc erning a n y issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.

- (6) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> pertaining to materials obtained under the Freedom of Information Act on issues/persons included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (7) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> and any members, employees, or consultants of the pharmaceutical industry (including, but not limited to the Bayer Pharmaceuticals, Lederle, Sanofi Pasteur, Connaught, Wyeth, Johnson & Johnson, Ortho Diagnostics and other others) concerning any issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helpin g, paying or facilitating in any fashion these endeavors.
- (8) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> pertaining to

access of Lexus Nexus, Pacer, or any other legal search engine that was used concerning issues/persons included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.

- (9) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> pertaining to communication with any religious groups (Muslim or otherwise), or individuals with religious affiliations concerning any issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors.
- (10) Any and all documents (including emails, notes, memos, letters, etc.) pertaining to communications (written or verbal) which have occurred between Kathleen Seidel or any individual or organization working for or with <http://www.neurodiversity.com> pertaining to communication with any journals, editors of journals, scientific/academic boards, medical licensing boards concerning any issue which was included on the website: <http://www.neurodiversity.com>. This is to include the names of persons helping, paying or facilitating in any fashion these endeavors,

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

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.

Executed on _____ DATE _____ SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

- (c) 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 impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
 - (2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
 - (B) Subject to paragraph (d)(2) 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 if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing 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 party serving the subpoena may, upon notice to the person commanded to produce, move 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 is not a party or an officer of a party from significant expense resulting from the inspection, 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) requires a person who is not a party or an officer of a party 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 (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
 - (B) If a subpoena
 - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.
- (d) DUTIES IN RESPONDING TO SUBPOENA.
 - (1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
 - (B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.
 - (C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.
 - (D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. 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 undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
 - (2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
 - (B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.
- (e) 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 cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).