

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Fix Wilson Yard, Inc., et al.

Petitioner

v.

City of Chicago, et al.

Respondent

No. 08 CH 45023

SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

To: Google, Inc.
c/o Illinois Corporation Service C
801 Adlai Stevenson Dr., Springfield, IL 62703

- 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable...
2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at:
3. YOU ARE COMMANDED to mail the following documents in your possession or control to Thomas E. Johnson at 36 S. Wabash, Suite 1310, Chicago, IL, on or before Jan. 26, 2009, at 10 AM m. 60603

Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows:

Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by...
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. 70859 Pro Se 99500
Name: Thomas E. Johnson
Atty. for: Wilson Yard Defendants
Address: 36 S. Wabash, Suite 1310
City/State/Zip: Chicago, IL 60603
Telephone: 312-578-8100

WITNESS

Clerk of Court

I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to ILL. CORP. SERVICE C by certified mail, return receipt requested (Receipt # ) on 1/12, 2009. I paid the witness \$ 25.00 for witness and mileage fees.

I served this subpoena by handing a copy to on I paid the witness \$ for witness and mileage fees.

Handwritten signature of Thomas E. Johnson

(Signature of Server)

THOMAS E. JOHNSON

(Print Name)

## ATTACHMENT A TO SUBPOENA

### Definitions and Instructions

As used herein, the words and phrases set forth below shall have the following meanings:

1. “Document” means any written, recorded or graphic matter however produced or reproduced including, but not limited to letters, emails, telegrams, blog posts, website posts, chat room posts, blog comments, letters to the editor, memoranda, reports, studies, calendar or diary entries, maps, pamphlets, drafts, notes, charts, tabulations, analyses, statistical or informational accumulations, accounting records of any kind, records of meetings and conversations of any kind, film impressions, videotape, computer software, computer databases, electronic storage media, microfiche, microfilm, magnetic tape, sound or mechanical reproductions and copies of documents which are not identical duplicates of the originals (e.g., because handwritten or “blind” notes appear thereon or are attached thereto) whether or not the originals are in defendants’ possession, custody or control.

2. “Identify” as applied to documents shall require stating the date, author, addresses, signatory, number of pages, subject matter, custodian and location of the document. “Identify” as applied to persons shall require stating the person’s full name, last known business and home addresses, and last known business and home telephone numbers. “Identify” as applied to a person other than a natural person, means to set forth the full name of the person, the form of the person (e.g. corporation, joint venture, etc.), the partners, officers, directors or other principals, and the present or last-known address of the person.

3. The terms “related to” or “relating to” shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or otherwise reflecting upon a stated subject matter.

4. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring with in the scope of this request any information which might otherwise be construed to be outside its scope.

5. “Person” means any legal entity, including, but not limited to, individuals, corporations, businesses, firms, joint ventures, partnerships, sole proprietorships, governments, agencies or instrumentalities of governments, unincorporated associations, and cooperatives.

6. The “Wilson Yard development” shall mean the mixed-use project located between Wilson and Montrose Avenues (on the north and south), and Broadway Avenue and the CTA Red Line tracks (on the east and west) that is the subject of the Wilson Yard Redevelopment Project Area Redevelopment Agreement, originally executed November 30, 2005, and subsequently amended, that is identified in pars. 6-10 of the complaint.

7. "Fix Wilson Yard, Inc." means Fix Wilson Yard, Inc., its subsidiaries, parents, predecessors, successors, assigns, directors, officers, employees, representatives, attorneys, agents and any other person or entity acting on its behalf or at its direction.

8. Each request shall extend to all documents which are or have been in the possession or subject to the control of the deponent during the relevant time period, which shall be, unless otherwise stated, January 1, 2001 to the present. If any requested document was, but no longer is, in the deponent's possession or subject to its control, or is no longer in existence, state whether it is:

- A. missing or lost;
- B. destroyed;
- C. transferred to others and, if so, to whom; or
- D. otherwise disposed of (specify).

In the case of the foregoing instances, set forth the surrounding circumstances and any authorization for the latter three dispositions, the date or best approximate date of any such disposition, as well as, if known, the present location and custodian of any such documents

9. With respect to any document withheld on a claim of privilege, provide a statement signed by any attorney representing the party withholding the document setting forth as to each such answer or document:

- A. the name of the declarant or sender(s) of the document;
- B. the name of the author(s) of the document;
- C. the name(s) of the person(s) to whom the declarant spoke or to whom copies of documents were sent;
- D. date of the declarant's conversation or of the document;
- E. a brief description of the nature and subject matter of the conversation or document; and
- F. the basis for the claim of privilege.

10. In producing any documents requested, indicate the specific requests in response to which each document or group of documents is being produced, and provide a certificate that the production is complete.

11. The singular form of a word includes the plural and the plural includes the singular.

### **Documents Sought**

Please produce the following documents, in electronic or hard-copy form:

1. All documents in the custody and control of your subsidiary Blogspot.com, or in the custody and control of Google, Inc., related to the identity of the person or persons who created and/or control "What the Helen.com" and "Uptown Update"

blogs and websites.