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ENTREPRENEUR MEDIA, INC.
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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT

10 Sacramento Division

11 ENTREPRENEUR MEDIA, INC., a)
California corporation,)
12)
13 Plaintiff,)
14 vs.)
15 SCOTT SMITH dba ENTREPRENEURPR,)
16 Defendant.)
17)

CASE NO. 2:10-mc-00055-JAM-EFB
**AMENDED
STIPULATION TO CONTINUE THIRD
PARTY DEBTOR'S EXAMINATION;
ORDERTHEREON**

New Date: December 8, 2010
Old Date: November 10, 2010
Time: 9:30 a.m.
Ctrm: 24

18 Plaintiff and judgment creditor Entrepreneur Media, Inc. ("Creditor") and third party debtor
19 Karen Mix ("Mix") hereby stipulate as follows:

20 R E C I T A L S

21 A. Creditor obtained a judgment in this Court against Scott Smith dba Entrepreneurpr
22 ("Debtor"). Creditor obtained a debtor's examination order directed to third party Mix, returnable
23 on November 10, 2010. In addition to the third party debtor's examination order, Mix was served
24 with a subpoena duces tecum ("Subpoena") for production of documents at the debtor's examination,
25 a true and correct copy of which is attached hereto as Exhibit A.

26 B. Mix has requested that the third party debtor's examination be continued until
27 December 8, 2010, and Creditor is willing to continue the debtor's examination subject to the
28 provisions of this stipulation.

FROM : TRUE OFFICE

FAX NO. : 9166409753

Nov. 09 2010 05:04PM P3

11/09/2010 17:24

9165691612

DANIEL S WEISS

- 1 NOW THEREFORE, Creditor and Mix hereby agree as follows:
- 2 1. The third party debtor's examination of Mix now set for November 10, 2010, at 9:30
- 3 a.m., in Department 24, shall take place on December 8, 2010, at 9:30 a.m. in Department 24 of the
- 4 District Court of California, Eastern District, Sacramento Division.
- 5 2. The Subpoena remains in full force and effect, and Mix shall produce all the
- 6 subpoenaed documents at the continued third party debtor's examination.
- 7 3. Should Mix fail to appear for the continued third party debtor's examination or
- 8 produce the subpoenaed documents, Creditor shall be entitled to the immediate issuance of a bench
- 9 warrant for Mix's arrest for such failure.
- 10 4. This stipulation may be signed in counterparts and fax signatures shall be deemed
- 11 originals for all purposes.

SO STIPULATED.

DATED: November 9, 2010

SERLIN & WHITEFORD, LLP

By:

MARK A. SERLIN, Attorneys for Plaintiff
UNION BANK OF CALIFORNIA, N.A.

DATED: November 9, 2010

LAW OFFICES OF DANIEL S. WEISS

By:

DANIEL S. WEISS, Attorneys for
KAREN MIX

DATED: November 9, 2010

KAREN MIX

ORDER

The foregoing Stipulation is in all respects APPROVED.

DATED: November 10, 2010

EDMUND F. BRENNAN
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

2010-11-09 17:24:00 FAXED TO COURT DO NOT REPLY BY FAX OR BY PHONE TO CONTACT US

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Mark A. Serlin, CSBN: 122155 SERLIN & WHITEFORD, LLP 813 F Street, 2nd Floor Sacramento, CA 95814		FOR COURT USE ONLY
TELEPHONE NO.: (916) 446-0790 FAX NO.: (916) 446-0791 ATTORNEY FOR (Name): Entrepreneur Media, Inc.		
NAME OF COURT: United States District Court, Eastern District of CA STREET ADDRESS: 501 I Street, Suite 4-200 MAILING ADDRESS: 501 I Street, Suite 4-200 CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Sacramento Division		
PLAINTIFF/PETITIONER: Entrepreneur Media, Inc. DEFENDANT/RESPONDENT: Scott Smith dba Entrepreneurpr		
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents and Things at Trial or Hearing AND DECLARATION		CASE NUMBER: 2:10-mc-00055-JAM-EFB

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

Karen Mix, 7824 Copper Fox Court, Citrus Heights, CA 95610

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: November 10, 2010 Time: 9:30 a.m. | Dept: Div.: Room: 24
 b. Address: Court address shown above.

2. 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.

3. YOU ARE (item a or b must be checked):

- a. Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. 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.
- b. Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party or attorney: Mark A. Serlin
 b. Telephone number: 916 446 0790

5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

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: September 29, 2010

Mark A. Serlin

(TYPE OR PRINT NAME)



 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney

(TITLE)

(Declaration in support of subpoena on reverse)

PLAINTIFF/PETITIONER: Entrepreneur Media, Inc.	CASE NUMBER: 2:10-mc-00055-JAM-EFB
DEFENDANT/RESPONDENT: Scott Smith dba Entrepreneurpr	

The production of the documents or the other things sought by the subpoena on page one is supported by (check one):

the attached affidavit or declaration the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the plaintiff defendant petitioner respondent
 attorney for (specify): other (specify):

in the above-entitled action.

2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified in the *Civil Subpoena for Personal Appearance and Production of Documents and Things at Trial or Hearing* on page one of this form (specify the exact documents or other things to be produced):

Continued on Attachment 2.

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:

Continued on Attachment 3.

4. These documents or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

Continued on Attachment 4.

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

Date:

(See attached declaration.)
(TYPE OR PRINT NAME)

(SIGNATURE OF SUBPOENAING PARTY | ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

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ENTREPRENEUR MEDIA, INC.
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT
10 Sacramento Division

11	ENTREPRENEUR MEDIA, INC., a California	}	CASE NO. 2:10-mc-00055-JAM-EFB
12	corporation,		
13	Plaintiff,	}	DECLARATION OF MARK A. SERLIN IN
14	vs.		SUPPORT OF ISSUANCE OF SUBPOENA
15	SCOTT SMITH dba ENTREPRENEURPR,	}	DUCES TECUM SERVED ON KAREN
16	Defendant.		ELLEN MIX
17		}	Date: November 10, 2010
			Time: 9:30 a.m.
		}	Ctrm: 24

18 I, Mark A. Serlin, declare:

19 1. I am an attorney duly licensed to practice law by the State of California and am counsel
20 to plaintiff Entrepreneur Media, Inc., a California corporation ("Plaintiff") in the above captioned
21 matter. I make this declaration based on personal knowledge and if called as a witness to testify as to
22 matters stated herein, I would be willing and competent to do so.

23 2. Karen Ellen Mix ("Mix") has been ordered to appear for a debtor's examination pursuant
24 to Code of Civil Procedure section 708.120, *et seq.* The debtor's examination is necessary in order for
25 Plaintiff to determine the interests of Judgment Debtor Scott Smith dba Entrepreneurpr ("Judgment
26 Debtor") so Plaintiff may take steps to satisfy the judgment against Judgment Debtor.

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1 3. In that regard, it is necessary and appropriate that Plaintiff have access to documents in
2 Mix's possession, custody, and/or control which reflect upon the Judgment Debtor's assets. The
3 documents to be produced at the debtor's examination are as follows:

4 **DEFINITIONS AND INSTRUCTIONS**

5 Unless the context indicates otherwise, the following words and phrases will be defined and
6 used herein as follows:

7 A. Judgment Debtor SCOTT SMITH dba ENTREPRENEURPR is referred to herein as
8 "DEFENDANT" and use of the term "DEFENDANT" refers to all of DEFENDANT'S past and present
9 attorneys, accountants, employees, agents, representatives, corporations, predecessor or successor
10 corporations, partnerships and anyone else acting on DEFENDANT'S behalf or otherwise subject to
11 its control.

12 B. "PERSON" as used herein refers to and includes any natural individual, governmental
13 entity or business entity, including a corporation or partnership, association or other entity or
14 combination thereof, and all corporations, divisions, or entities affiliated with, owned or controlled
15 directly or indirectly by, or owning or controlling directly or indirectly any such entities, as well as
16 directors, officers, employees, agents, attorneys or other representatives thereof, or third parties retained
17 by any of the above.

18 C. "DOCUMENT" as used herein refers to and includes any kind of written, typewritten
19 or printed material, any kind of graphic material, or any kind of electronic or mechanically recorded
20 material, including facsimiles and computer discs, however produced or reproduced, whether draft or
21 final, whether signed or unsigned, including each original and nonidentical copy, whether different from
22 the original by means of notes made on such copy or otherwise, and if the original is not in existence,
23 the best copy or reproduction thereof.

24 D. "COMMUNICATION" as used herein refers to any transmission or transfer or
25 information of any kind orally, in writing, or in any other manner, at any time or place, and under any
26 circumstances whatsoever.

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1 E. The phrases "RELATING TO", "RELATED TO" and "RELATES TO" as used herein
2 mean summarizing, describing, regarding, containing any record of, reference to or indication of, or
3 referring to in any way.

4 F. KAREN ELLEN MIX is referred to herein as "YOU" or "YOUR" and use of the terms
5 "YOU" or "YOUR" refers to all of YOUR past and present attorneys, accountants, employees, agents,
6 representatives, corporations, predecessor or successor corporations, partnerships and anyone else
7 acting on YOUR behalf or otherwise subject to YOUR control.

8 **DOCUMENTS TO BE PRODUCED**

9 The DOCUMENTS to be produced are the following:

10 1. All bank statements for the past 36 months for any and all deposit accounts held by
11 DEFENDANT and/or YOU and DEFENDANT.

12 2. All check registers covering the past 36 months for any and all checking accounts over
13 which DEFENDANT has had any control or signature authority.

14 3. All DOCUMENTS evidencing title to any real property in which DEFENDANT has any
15 interest.

16 4. All DOCUMENTS evidencing title to any real property in which DEFENDANT has
17 held any interest in the past five years.

18 5. All DOCUMENTS RELATING TO the value of any interest in any real property owned
19 by DEFENDANT.

20 6. All lease DOCUMENTS by which DEFENDANT has leased space at any time in the
21 past five years.

22 7. All DOCUMENTS RELATING TO any rental of real property by DEFENDANT at any
23 time in the past five years.

24 8. All financial statements of DEFENDANT for the past 5 years.

25 9. All DOCUMENTS RELATING TO any loans by any PERSON to DEFENDANT since
26 January 1, 2003.

27 10. All DOCUMENTS RELATING TO any loans by DEFENDANT to any PERSON since
28 January 1, 2003.

1 11. All DOCUMENTS of title for any vehicles presently owned or leased in whole or in part
2 by DEFENDANT.

3 12. All DOCUMENTS evidencing any securities accounts owned or controlled by
4 DEFENDANT.

5 13. All pleadings in any legal proceeding in which DEFENDANT is a party. For the
6 purposes of this request, the term "pleading" includes any complaint, cross-complaint, amended
7 complaint, answer, amended answer, petition, or response to a petition.

8 14. All stock certificates for stock owned by DEFENDANT.

9 15. All bonds owned by DEFENDANT.

10 16. The latest trial balance for any and all businesses owned or operated by DEFENDANT.

11 17. All loan DOCUMENTS for any obligation owed by DEFENDANT that remains
12 unsatisfied, including any promissory notes, credit agreements, and applications for such credit.

13 18. All DOCUMENTS evidencing any security agreement in which DEFENDANT grants
14 any PERSON a security interest in any property.

15 19. All DOCUMENTS which reflect any deposit accounts held or controlled in whole or
16 in part by DEFENDANT or over which DEFENDANT has/had signature authority for any time since
17 January 1, 2000.

18 20. All DOCUMENTS RELATING TO any judgments in favor of DEFENDANT, whether
19 unsatisfied in whole or in part.

20 21. All DOCUMENTS RELATING TO any trust in which DEFENDANT is a trustor,
21 trustee, or beneficiary.

22 22. All reports prepared within the past 36 months by any bookkeepers, accountants, or
23 certified public accountants employed by DEFENDANT or any business owned or controlled by YOU
24 or DEFENDANT.

25 23. All DOCUMENTS RELATING TO any safe or safe deposit box owned or held in whole
26 or in part by DEFENDANT or any entity owned or controlled by DEFENDANT.

27 24. All DOCUMENTS RELATING TO any rare coins, stamps, jewelry, antiques, and/or
28 works of art in which DEFENDANT has an interest.

1 25. All DOCUMENTS RELATING TO any sources of income of DEFENDANT since
2 January 1, 2003, including, but not limited to, management contracts and the like.

3 26. All DOCUMENTS RELATING TO any policies of insurance (including, but not limited
4 to, life insurance) in which DEFENDANT has any interest.

5 27. All DOCUMENTS RELATING TO any IRA, pension, or other retirement fund or plan
6 in which DEFENDANT has any interest.

7 28. All DOCUMENTS RELATING TO any transfer of assets within the past 48 months by
8 DEFENDANT to any person other than in the normal course of DEFENDANT'S business.

9 29. All DOCUMENTS RELATING TO the closure of any business operated by
10 DEFENDANT.

11 30. All DOCUMENTS RELATING TO the closure, within the past 48 months, of any bank
12 accounts held or controlled in whole or in part by DEFENDANT.

13 31. All DOCUMENTS RELATING TO any storage facility used by DEFENDANT to store
14 any assets or records.


15 32. All DOCUMENTS RELATING TO any COMMUNICATIONS between DEFENDANT
16 and any bank at which DEFENDANT has held any account at any time within the past 48 months
17 including, without any limitations, all correspondence, notes of conversations, and DOCUMENTS
18 transmitted by facsimile communications.

19 33. ALL DOCUMENTS RELATING TO any property held by YOU for DEFENDANT.

20 34. ALL DOCUMENTS RELATING TO any property obtained by YOU from
21 DEFENDANT.

22 35. ALL DOCUMENTS RELATING TO any life insurance trust under which any of
23 DEFENDANTS is a beneficiary.

24 I declare under penalty of perjury under the laws of the State of California that the foregoing is
25 true and correct and that this declaration was executed at Sacramento, California, on September 29,
26 2010.

27
28 

MARK A. SERLIN