

ERSKINE & TULLEY

220 MONTGOMERY STREET, SUITE 303, SAN FRANCISCO, CA 94104
PHONE: (415) 392-5431 - FAX: (415) 392-1978

UPDATED 10/19/09

December 21, 2009

Jim Stack Process Servers
Attn: Melissa
2281 Fleetwood Drive
San Bruno, CA 94066

Re: Northwest Administrators, Inc.
vs. LANCE SOARES INC., etc.
United States District Court, Action No. C 09 0967 MMC

Dear Melissa:

Please serve the following in your prompt, but not expedited service, and return the proof of service to me:

SERVE: LANCE D. SOARES, PRESIDENT AND CUSTODIAN OF RECORDS OF DEFENDANT,
LANCE SOARES, INC., doing business as CLEAN SWEEP ENVIRONMENTAL, a
California corporation

ADDRESS: **7145 AUMMERWOOD COURT, GRANITE BAY, CA 95746**

DOCUMENT(S) TO SERVE: SUBPOENA IN A CIVIL CASE
NOTICE OF TAKING OF DEPOSITION OF A PARTY INCLUDING
NOTICE TO PRODUCE DOCUMENTS
NOTICE TO PERSON BEING SUBPOENAED AND
BLANK REPORT AND LETTER TO
LANCE D. SOARES, PRESIDENT AND CUSTODIAN OF
RECORDS OF DEFENDANT, LANCE SOARES, INC.

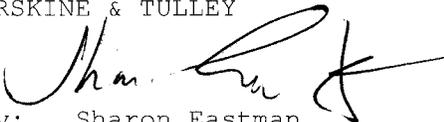
P L E A S E: D O N O T S U B S E R V E ! ! ! ! !

NO WITNESS FEE IS ENCLOSED. PLEASE DO NOT FRONT THE FEE. WE WILL HANDLE THE FEE AT A LATER DATE IF NECESSARY.

Please give me a call if you have any questions.

Yours very truly,

ERSKINE & TULLEY



By: Sharon Eastman
Assistant to Michael J. Carroll

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

NORTHWEST ADMINISTRATORS, INC.
v.

SUBPOENA IN A CIVIL CASE

LANCE SOARES, INC., doing business as CLEAN SWEEP ENVIRONMENTAL, a California corporation

CASE NUMBER: C 09 0967 MMC

TO: LANCE D. SOARES, PRESIDENT & CUSTODIAN OF RECORDS OF DEFENDANT, LANCE SOARES INC., doing business as CLEAN SWEEP ENVIRONMENTAL, a California corporation

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 Erskine & Tulley, 220 Montgomery Street, Suite 303 San Francisco, CA 94104	DATE AND TIME February 10, 2010 2:30 p.m.
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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):

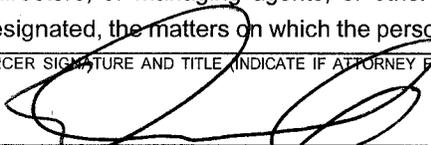
Completed Western Conference of Teamster Pension Trust Fund monthly reporting forms for the months of 11/08 through 1/10. The completed monthly reports should list each employee, their social security number, total hours worked for each month and amount of contributions due for each month for each employee. (Pension Account #315643)

PLACE	DATE AND TIME
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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)  Attorneys for Plaintiff	DATE December 21, 2009
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Michael J. Carroll, ERSKINE & TULLEY, 220 Montgomery Street, Suite 303, San Francisco, CA 94104, (415) 392-5431

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
220 Montgomery Street, Suite 303
3 San Francisco, CA 94104
Telephone: (415) 392-5431

4 Attorneys for Plaintiff
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11	NORTHWEST ADMINISTRATORS, INC.,)	NO. C 09 0967 MMC
)	
12	Plaintiff,)	NOTICE OF TAKING OF
)	DEPOSITION OF A PARTY
13	vs.)	INCLUDING NOTICE TO
)	<u>PRODUCE DOCUMENTS</u>
14	LANCE SOARES INC., doing business)	
	as CLEAN SWEEP ENVIRONMENTAL, a)	[F.R.C.P. Rules 30(b)(1)
15	California corporation)	30(b)(5)]
)	
16)	
	Defendant.)	
17)	

18 TO: LANCE D. SOARES, PRESIDENT AND CUSTODIAN OF RECORDS OF
19 DEFENDANT, LANCE SOARES INC., doing business as CLEAN SWEEP
ENVIRONMENTAL, a California corporation

20 PLEASE TAKE NOTICE that plaintiff, NORTHWEST
21 ADMINISTRATORS, INC., will take testimony on oral examination of
22 CUSTODIAN OF RECORDS on February 10, 2010 at 2:30 p.m. before a
23 Notary Public in and for the County of San Francisco, State of
24 California, at 220 Montgomery Street, Suite 303, in the City of San
25 Francisco, State of California.

26 Plaintiff, NORTHWEST ADMINISTRATORS, INC., hereby requests
27 CUSTODIAN OF RECORDS to appear for the above-mentioned oral
28

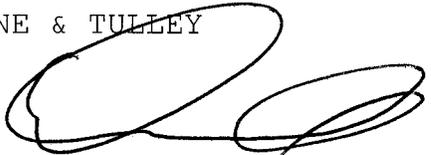
1 examination at the above-listed time and place, and requests him as
2 Custodian of Records of defendant to produce and permit plaintiff to
3 copy and inspect at the above-mentioned oral examination at the
4 above-listed time and place each of the following documents:

5 Payroll records and all time cards, check stubs and other
6 records of defendant which show the number of employees of defendant,
7 the number of straight time hours, overtime hours and gross pay of
8 each of said employees covered by the collective bargaining agreement
9 with Teamsters Local Union No.150 for the period November 1, 2008
10 through January 30, 2010 on Pension Account Number 315643.

11 In place of the above payroll records, defendant may submit
12 completed Western Conference of Teamsters Pension Trust Fund monthly
13 reporting forms for the months of 11/08, 12/08, 1/09, 2/09, 3/09,
14 4/09,5/09, 6/09, 7/09, 8/09, 9/09, 10/09, 11/09, 12/09 and 1/10 on
15 this account. The completed monthly reports should list each
16 employee, their social security number, total hours worked for each
17 month and amount of contributions due for each month for each
18 employee. All hire and termination dates should be listed.

19 Dated: December 21, 2009

20 ERSKINE & TULLEY

21
22 By: 

23 Michael J. Carroll
24 Attorneys for Plaintiff
25
26
27
28

ERSKINE & TULLLEY

220 MONTGOMERY STREET, SUITE 303, SAN FRANCISCO, CA 94104
PHONE: (415) 392-5431 - FAX: (415) 392-1978

NOTICE TO PERSON BEING SUBPOENAED

You have been served with this Deposition Subpoena because the defendant in this case has failed to file the monthly reporting forms required by the contract.

You may avoid taking time from your busy schedule to make a personal appearance at this deposition by following these instructions:

1. Fill out completely and sign the monthly reporting forms to the Trust Fund for each month and each Pension Account Number mentioned in the enclosed NOTICE OF TAKING OF DEPOSITION OF A PARTY INCLUDING NOTICE TO PRODUCE DOCUMENTS. One copy of a reporting form is attached for your convenience. You can use it to make photocopies for each month and account requested.
2. Mail the original completed reports to the above address so that they arrive here at least FIVE (5) days prior to the date set for appearance.

P L E A S E N O T E

IF YOU DO NOT COMPLY WITH THE ABOVE PROCEDURE, THEN YOU MUST MAKE
A PERSONAL APPEARANCE AT THE TIME AND PLACE STATED ON THE
SUBPOENA OR BE DEEMED GUILTY OF CONTEMPT OF COURT.

THE WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND NORTHERN CALIFORNIA AREA

1. IMPORTANT:

Refer to instructions on back of form for Hires and Terminations. Include Social Security numbers for all employees.

2. Mail check and original to:

Western Conference of Teamsters Pension Trust
Department #39031
P.O. Box 39000
San Francisco, CA 94139-9001
(650) 570-7300



EMPLOYER'S MONTHLY REPORT

Total contributions due for month \$ _____

Adjustments, etc. (explain below) \$ _____

AMOUNT OF CHECK \$ _____

20% MINIMUM LIQUIDATED DAMAGES, INTEREST PLUS ATTORNEY FEES WILL BE ASSESSED ON DELINQUENCIES.

EMPLOYER ACCOUNT NUMBER _____

REPORT FOR _____

TYPE _____

DATE DUE _____

EMPLOYER PHONE NUMBER _____

I CERTIFY THAT THE EMPLOYEES LISTED HEREON ARE COVERED UNDER A WRITTEN PENSION AGREEMENT (LABOR CONTRACT) CALLING FOR CONTRIBUTIONS ON THEIR BEHALF, AND THAT THIS LIST INCLUDES ALL SUCH EMPLOYEES AND NO OTHERS.

Authorized Signature _____

Date _____ Title _____

SOCIAL SECURITY ACCOUNT NUMBER	SUB CODE	EMPLOYEE'S NAME		LOCAL UNION NUMBER	DATE OF HIRE/TERMINATION	RATE	CD	HOURS	TOTAL DUE FOR MONTH
		LAST NAME	INITIAL						

IMPORTANT - NEW EMPLOYEE INFORMATION

OC. SEC. NO.	NAME	SEX	DATE OF BIRTH
ADDRESS	CITY	STATE	ZIP
OC. SEC. NO.	NAME	SEX	DATE OF BIRTH
ADDRESS	CITY	STATE	ZIP

ADDITIONAL SPACE FOR NEW EMPLOYEES IS NEEDED PLEASE ATTACH A LIST TO THIS FORM.

ERSKINE & TULLEY

220 MONTGOMERY STREET, SUITE 303, SAN FRANCISCO, CA 94104
PHONE: (415) 392-5431 - FAX: (415) 392-1978

December 21, 2009

Lance Soares, President and
Office Manager and Custodian
of Records of Defendant
Lance Soares, Inc.,

Re: Western Conference of Teamsters Pension Trust Fund
Northwest Administrators, Inc.
vs. LANCE SOARES INC., etc.
United States District Court, Action C 09 0967 MMC

Dear Management:

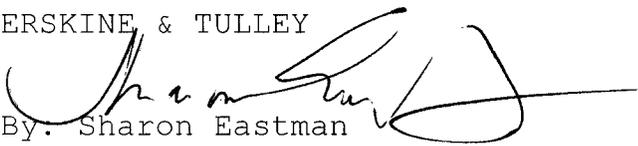
This office represents the Western Conference of Teamsters Pension Trust Fund. Served on you with this letter is a deposition subpoena in the pending United States District Court lawsuit.

If we receive the requested reports before February 10, 2010, you do not need to appear on that date at our office for the Deposition Subpoena. **OTHERWISE YOU NEED TO APPEAR.**

If you have any questions, please do not hesitate to contact me.

Yours very truly,

ERSKINE & TULLEY


By: Sharon Eastman
Assistant to Michael J. Carroll