

1 TERENCE D. DOYLE SBN 113108  
 2 VIRGINIA L. EKELUND SBN 138376  
 3 LAW OFFICES OF TERENCE DANIEL DOYLE  
 4 571 Hartz Ave.  
 5 Danville, CA 94526  
 6 Telephone: (925) 314-2333  
 7 Facsimile: (925) 855-4334

8 Attorneys for Plaintiff,  
 9 STEVEN ROTH

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 STEVEN ROTH

No. 3:11-cv-01452-EDL

14 Plaintiff,

15 **STIPULATION AND ORDER RE SERVICE  
 16 OF DEPOSITION SUBPOENA UPON  
 17 ATTORNEY**

18 v.

19 FIRST IN AWARENESS, LLC, a  
 20 Connecticut Limited Liability Corporation;  
 21 JERRY S. WILLIAMS, individually and as  
 22 Managing Member of First in Awareness,  
 23 LLC., a Connecticut Limited Liability  
 24 Corporation; MELANIE WOOD-HARVEY  
 25 and DOES 1-50, Inclusive

26 Defendants.

27 IT IS HEREBY STIPULATED by and between Ray E. Gallo of GALLO & ASSOCIATES,  
 28 his client MELANIE HARVEY and Virginia L. Ekelund of the LAW OFFICES OF TERENCE  
 DANIEL DOYLE, P.C. as follows:

- 1) Melanie Harvey is no longer a party to this action by reason of the court's granting of her motion to dismiss for lack of jurisdiction;

1           2)     Prior to her dismissal, Melanie Harvey's attorneys were served with a Notice of  
2 Deposition of Melanie Harvey and that deposition was continued by mutual agreement to take place  
3 on October 28, 2011. A true and correct copy of the Amended Notice of Deposition of Melanie  
4 Harvey is attached hereto as Exhibit "1" and incorporated herein by this reference;

5  
6           3)     Melanie Harvey has authorized her attorney Ray E. Gallo of GALLO & ASSOCIATES  
7 to accept service of a Deposition Subpoena for the Deposition of Melanie Harvey to take place at the  
8 same time and location as the deposition which was previously noticed. A true and correct copy of  
9 said Deposition Subpoena for Melanie Harvey is attached hereto as Exhibit "2";

10           4)     Melanie Harvey agrees to waive the notice requirements related to the Deposition  
11 Subpoena; and

12           5)     Melanie Harvey agrees that the Deposition may be enforced the same as if it had been  
13 personally served upon her at least 30 days prior to the deposition date.  
14

15  
16 Dated: September , 2011

\_\_\_\_\_  
MELANIE HARVEY

17  
18  
19 Dated: September , 2011

GALLO & ASSOCIATES

\_\_\_\_\_  
RAY E. GALLO, Attorneys for Melanie Harvey

20  
21  
22  
23 Dated: <sup>10/3</sup> ~~September~~, 2011

LAW OFFICES OF TERENCE DANIEL DOYLE, P.C.

\_\_\_\_\_  
*V. L. Ekelund*  
VIRGINIA L. EKELUND, Attorneys for Plaintiff,  
Steve Roth

1           2)     Prior to her dismissal, Melanie Harvey's attorneys were served with a Notice of  
2 Deposition of Melanie Harvey and that deposition was continued by mutual agreement to take place  
3 on October 28, 2011. A true and correct copy of the Amended Notice of Deposition of Melanie  
4 Harvey is attached hereto as Exhibit "1" and incorporated herein by this reference;

5           3)     Melanie Harvey has authorized her attorney Ray E. Gallo of GALLO & ASSOCIATES  
6 to accept service of a Deposition Subpoena for the Deposition of Melanie Harvey to take place at the  
7 same time and location as the deposition which was previously noticed. A true and correct copy of  
8 said Deposition Subpoena for Melanie Harvey is attached hereto as Exhibit "2";

9           4)     Melanie Harvey agrees to waive the notice requirements related to the Deposition  
10 Subpoena; and

11           5)     Melanie Harvey agrees that the Deposition may be enforced the same as if it had been  
12 personally served upon her at least 30 days prior to the deposition date.  
13  
14

15  
16 Dated: September , 2011

\_\_\_\_\_  
MELANIE HARVEY

17  
18           10/3  
19 Dated: September , 2011

\_\_\_\_\_  
GALLO & ASSOCIATES

  
\_\_\_\_\_  
RAY E. GALLO, Attorneys for Melanie Harvey

20  
21  
22  
23 Dated: September , 2011

\_\_\_\_\_  
LAW OFFICES OF TERENCE DANIEL DOYLE, P.C.

24  
25           \_\_\_\_\_  
VIRGINIA L. EKELUND, Attorneys for Plaintiff,  
26 Steve Roth  
27  
28

1           2)     Prior to her dismissal, Melanie Harvey's attorneys were served with a Notice of  
 2 Deposition of Melanie Harvey and that deposition was continued by mutual agreement to take place  
 3 on October 28, 2011. A true and correct copy of the Amended Notice of Deposition of Melanie  
 4 Harvey is attached hereto as Exhibit "1" and incorporated herein by this reference;

5  
 6           3)     Melanie Harvey has authorized her attorney Ray E. Gallo of GALLO & ASSOCIATES  
 7 to accept service of a Deposition Subpoena for the Deposition of Melanie Harvey to take place at the  
 8 same time and location as the deposition which was previously noticed. A true and correct copy of  
 9 said Deposition Subpoena for Melanie Harvey is attached hereto as Exhibit "2";

10           4)     Melanie Harvey agrees to waive the notice requirements related to the Deposition  
 11 Subpoena; and

12  
 13           5)     Melanie Harvey agrees that the Deposition may be enforced the same as if it had been  
 14 personally served upon her at least 30 days prior to the deposition date.

15  
 16 Dated: September , 2011

*Melanie Harvey*  
 MELANIE HARVEY

17  
 18  
 19 Dated: September , 2011

GALLO & ASSOCIATES

20  
 21  
 22  
 23 Dated: September , 2011

RAY E. GALLO, Attorneys for Melanie Harvey

LAW OFFICES OF TERENCE DANIEL DOYLE, P.C.

24  
 25  
 26 VIRGINIA L. EKELUND, Attorneys for Plaintiff,  
 Steve Roth

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDER

IT IS SO ORDERED.

October 11  
DATED: ~~September~~, 2011

*Elizabeth D. Laporte*  
Elizabeth D. Laporte, Magistrate Judge

**EXHIBIT 1**

---

---

1 TERENCE D. DOYLE SBN 113108  
2 VIRGINIA L. EKELUND SBN 138376  
3 LAW OFFICES OF TERENCE DANIEL DOYLE  
4 571 Hartz Ave.  
5 Danville, CA 94526  
6 Telephone: (925) 314-2333  
7 Facsimile: (925) 855-4334

8 Attorneys for Plaintiff,  
9 STEVEN ROTH

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 STEVEN ROTH

Case No. C 11-1452 (EDL)

13 Plaintiff,

**AMENDED NOTICE OF DEPOSITION OF  
DEFENDANT MELANIE WOOD-HARVEY**

14 v.

15 FIRST IN AWARENESS, LLC, a  
16 Connecticut Limited Liability Corporation;  
17 JERRY S. WILLIAMS, individually and as  
18 Managing Member of First in Awareness,  
19 LLC, a Connecticut Limited Liability  
20 Corporation; MELANIE WOOD-  
21 HARVEY and DOES 1-50, Inclusive

Defendants.

22 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

23 YOU ARE HEREBY NOTIFIED THAT THE DEPOSITION OF Defendant MELANIE  
24 WOOD-HARVEY will be taken at PHOENIX DEPOSITION SERVICES, 350 E. Virginia Avenue,  
25 Suite 150, Phoenix, Arizona, 85004, commencing at 9:00 a.m. on October 28, 2011 and continuing  
26 from day to day thereafter.  
27  
28

1 YOU ARE FURTHER NOTIFIED THAT: The deposition proceedings will be recorded both  
2 stenographically and by audio/video recording.

3 A list of all parties or attorneys for parties on whom this Notice of Deposition is being served  
4 is shown on the accompanying Proof of Service.  
5

6 Dated: August 31, 2011

LAW OFFICES OF TERENCE DANIEL DOYLE

7  
8 By: V. L. Erelund  
9 VIRGINIA L. ERELUND  
Attorneys for Plaintiff, STEVEN ROTH

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 Roth v. First In Awareness, LLC, et al.  
2 United States District Court, Case No. C 11-1452 EDL

3 **PROOF OF SERVICE BY MAIL**  
4 **(Code Civ. Proc., §§ 1013, 2015.5)**

5 I declare that I am employed in the County of Contra Costa, California. I am over the age of  
6 18 and not a party to the within entitled cause; my business address is the **LAW OFFICES OF**  
7 **TERENCE DANIEL DOYLE**, 571 Hartz Avenue, Danville, California 94526, my business  
8 telephone number (925) 314-2329.

9 On the date listed below, I served or caused to be served the following attached documents on  
10 all interested parties in said cause:

- 11 • **AMENDED NOTICE OF DEPOSITION OF DEFENDANT MELANIE WOOD-**  
12 **HARVEY**

13 addressed as follows:

14 <b>Mr. Ray E. Gallo</b> 15 <b>GALLO &amp; ASSOCIATES</b> 16 <b>1101 Fifth Ave., Suite 205</b> 17 <b>San Rafael, CA 94901</b> 18 <b>Telephone: (415) 397-1205</b> 19 <b>Facsimile: (310) 338-1119</b> 20 <b>Counsel for Defendants</b>	
--	--

21 on the interested parties by:

- 22  **BY MAIL:** I placed or caused to be placed a true copy thereof enclosed in a sealed envelope  
23 with postage thereon fully prepaid, in the United States mail at Danville, California as  
24 addressed above.
- 25  **BY EMAIL:** I emailed or caused to be emailed a true copy of the attached document to the  
26 above-referenced interested party(s) to the following email address(es):  
27 [Rgallo@gallo-law.com](mailto:Rgallo@gallo-law.com)
- 28  **BY HAND DELIVERY:** I enclosed a true copy in a sealed envelope, and hand delivered or  
caused to be hand delivered said envelope to the above-referenced party(s) at the above  
address.

I declare under penalty of perjury under the laws of the state of California that the foregoing is  
true and correct and that this declaration was executed on **August 31, 2011**.

  
\_\_\_\_\_  
Celia Beard

**EXHIBIT 2**

---

UNITED STATES DISTRICT COURT

for the

Northern District of California

Steven Roth
Plaintiff
v.
First In Awareness, et al.
Defendant
Civil Action No. 3:11-cv-01452-EDL
(If the action is pending in another district, state where:)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Melanie Harvey

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attachment A

Table with 2 columns: Place (Phoenix Deposition Services, 350 E. Virginia Ave., Suite 150, Phoenix, AZ 85004) and Date and Time (10/28/2011 9:00 am)

The deposition will be recorded by this method: stenographically and by audio/video recording

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiff, Steven Roth, who issues or requests this subpoena, are:

Virginia L. Ekelund, Law Offices of Terence Daniel Doyle

Civil Action No. 3:11-cv-01452-EDL

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* Melanie Harvey  
was received by me on *(date)* 09/21/2011.

I served the subpoena by delivering a copy to the named individual as follows: Ray E. Gallo  
Gallo & Associates, 1101 Fifth Ave., Suite 205, San Rafael, CA 94901  
on *(date)* 09/21/2011 ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ 60.00 for services, for a total of \$ 60.00.

I declare under penalty of perjury that this information is true.

Date: 09/21/2011

\_\_\_\_\_  
*Server's signature*

Amy Knox  
*Printed name and title*  
571 Hartz Ave.  
Danville, CA 94526

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## ATTACHMENT "A"

Melanie Harvey's interest in the business known as "Monk's Den", and her involvement therein. Melanie Harvey's role and interest in First In Awareness, LLC. Melanie Harvey's business relationship with Jerry Williams and her role in his business interests. Melanie Harvey's knowledge regarding the stock transactions that took place between Plaintiff, Steve Roth and Jerry Williams and/or First In Awareness, LLC, including, but not limited to Steve Roth's requests for stock certificates and Steve Roth's demand for return of money, among other matters.

---