DISTRI	CT OF COLUMBIA
U.S. Small Business Administration, as Receiver for Acorn	
Technology Fund, L.P.	SUBPOENA IN A CIVIL CASE
Plaintiffs	Civil Action No. 05-0190 (JTG) -
V.	Related Case No. 03-0070 (JTG)
Smith, Stratton, Wise, Heher & Brennan, LLP, et als.,	received
Defendants	10 06 126
TO: William H. Malloy	
Small Business Administration	
409 3rd Street, S.W.	,
Washington, D.C. 20416-0001	OCT 2-7 2006
	2140120170001
☐ YOU ARE COMMANDED to appear in the United State	es District Court at the place, date, engine specified
below to testify in the above case. The deposition she	Ill be recorded by stenographic means.
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	DATE AND TIME
36.65 6. F I.A. 115	
McCarter & English, LLP 300 E. Lombard Street	October 30, 2006 at 12:00 p.m.
Baltimore, Maryland 21202-3219	
in manager, in a filled 21202-1219	
YOU ARE COMMANDED to produce and permit inspe At the place, date, and time specified below (list document	action and copying of the following documents or object ments or objects):
PLACE	DATE AND TIME
	WITCH THE PARTY
☐ YOU ARE COMMANDED to permit inspection of the fo	ollowing premises at the date and time specified below
PREMISES	The state of the selection
FREWHOLD	DATE AND TIME
Any organization not a party to this suit that is subj	ocenaed for the taking of a deposition shall designate one
or more officers, directors, or managing agents, or other p	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)/	
RECURSO OFFICED CONTAINE AND THE CANONIC STREET	
ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINT)	FF OR DATE AND TIME
Xthall	September 26, 2006
Steven A. Beckelman, Esq., Attorneys for Defendant (s)	- Francis Lad
ICCURIC APPLICATION MANY ADDRESS AND DITARIE MUNICES	
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER McContex & Fredish LLB Four Cotons Contex 100 No.	January Change Managara 277 002 04
McCarter & English, LLP, Four Gateway Center, 100 Mu	noemy street, Newark, NJ U/101
(973) 622 — 4444 (See Rule 45, Federal Rules of CIVI) F	L. L. CIB. G.
The school is pending in district other than district of issuance, state district under case number	nucedure, rans C & U on Reverse;

	PR	COOF OF SERVICE
	DATE	PLACE
SERVED		
Column to be desired		
SERVED ON (PRINT NAME)	·	MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
•		
•	DECL	ARATION OF SERVER
I declare under penalt contained in the Proof of Servi	ty of perjury under the lice is true and correct.	aws of the United States of America that the foregoing information
i declare under penalt contained in the Proof of Servi	ty of perjury under the lice is true and correct.	aws of the United States of America that the foregoing information
contained in the Proof of Servi	ty of perjury under the licities is true and correct.	aws of the United States of America that the foregoing information
contained in the Proof of Servi	ty of perjury under the lice is true and correct. DATE	aws of the United States of America that the foregoing information SIGNATURE OF SERVER
contained in the Proof of Servi	ice is true and correct.	
contained in the Proof of Servi	ice is true and correct.	
contained in the Proof of Servi	ice is true and correct.	
contained in the Proof of Servi	ice is true and correct.	SIGNATURE OF SERVER

RULE 45, Federal Rules of Civil Procedure, Parts C & D:

(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 and copying of designated 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 and copying may, within 14 days after service of 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 inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded,
- (3) (A) On timely motion, the court by which a subpoena was issued shall quach 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)(II) 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, or

- (iii) requires disclosure of privileged or other protected matter and no exception or walver 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 part 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.

- (1) 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.
- (2) 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.

DIST	RICT OF —	COLUMBIA	
U.S. Small Business Administration, as Receiver for Acorn Technology Fund, L.P. Plaintiffs	SUBPOENA IN A CIVIL CASE Civil Action No. 05-0190 (JTG)		
v. Smith, Stratton, Wise, Heher & Brennan, LLP, et als., Defendants	Related Cas	se No. 03-0070 (JTG)	
TO: Mark Mead Smail Business Administration 409 3rd Street, S.W. Washington, D.C. 20416-0001		10.06.06	
YOU ARE COMMANDED to appear in the United S below to testify in the above case.	itates District Co	ourt at the place, date, and time specified	
PLACE OF TESTIMONY		DATE AND TIME	
YOU ARE COMMANDED to appear at the place, deposition in the above case. The deposition shall to	ate, and time spoe recorded by s	ecified below to testify at the taking of a stenographic means.	
PLACE OF DEPOSITION		DATE AND TIME	
McCarter & English, LLP 300 E. Lombard Street Baltimore, Maryland 21202-3219		November 10, 2006 at 10:00 a.m.	
YOU ARE COMMANDED to produce and permit into At the place, date, and time specified below (list doc			
PLACE		DATE AND TIME	
☐ YOU ARE COMMANDED to permit inspection of the	e following prem	nises at the date and time specified below	
PREMISES		DATE AND TIME	
Any organization not a party to this suit that is so or more officers, directors, or managing agents, or other forth, for each person designated, the matters on which 30(b)(6)/	r persons who	consent to testify on its behalf, and may set	
ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLA DEFENDANT Steven A. Beckelman, Attorney for Defendant (s)	INTIFF OR	DATE AND TIME September 26, 2006	
Issuing officer's name, address and phone number McCarter & English, LLP, Four Gateway Center, 100 I (973) 622 – 4444			
(See Rule 45, Faderal Rules of (asa rsveççiki, rəfilə G & i	T (1) (12)(23)	

		PROOF OF SERVICE
	DATE	PLACE
SERVED		6
ERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
		DECLARATION OF SERVER
I declare under penal contained in the Proof of Sen	ity of perjury under vice is true and co	r the laws of the United States of America that the foregoing Information rect.
Executed on		
	DATE	SIGNATURE OF SERVER
•		
		ADDRESS OF SERVER

RULE 45, Federal Rules of CMI Procedure, Parts C & D: (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 evold 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 and copying of designated 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 and copying may, within 14 days after service of subpoens or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or ettomey designated in the subpoens written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoens shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoens was issued. If objection has been made, the party serving the subpoens was issued. If objection has been made, the party serving the subpoens may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On firmely motion, the court by which a subpoens was issued shall quash or modify the subpoens if it
 - (i) falls 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 (b)(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, or

- (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 part 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 person responding to a subpoens 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.
- (2) 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.

············	DIST	RICT OF -	c	OLUMBIA
U.S. S Techr	Small Business Administration, as Receiver for Acomnology Fund, L.P. Plaintiffs v.	SUBPOE Civil Action	NA IN A CIVIL (No. 05-0190 (JTG) 156 No. 03-0070 (JT	<u> </u>
Smith	, Stratton, Wise, Heher & Brennan, LLP, et als., Defendants	Relateu Ga	ise No. 03-0070 (J1	recoived
TO:	Thomas Morris Small Business Administration 409 3rd Street, S.W. Washington, D.C. 20416-0001			10.06.06
	YOU ARE COMMANDED to appear in the United S below to testify in the above case.	tates District C	ourt at the place, da	te, and time specified
PLACE	OF TESTIMONY		COURTROOM	1
			DATE AND TIME	
Ø	YOU ARE COMMANDED to appear at the place, da deposition in the above case.	ite, and time s	pecified below to tes	tify at the taking of a
PLACE	OF DEPOSITION	· · · · · · · · · · · · · · · · · · ·	DATE AND TIME	
300 E.	ter & English, LLP Lombard Street ore, Maryland 21202-3219		December 21, 200	6 at 10:00 a.m.
	YOU ARE COMMANDED to produce and permit ins At the place, date, and time specified below (list doc	pection and co uments or obje	opying of the fallowing ects):	g documents or object
PLACE			DATE AND TIME	
	YOU ARE COMMANDED to permit inspection of the	following pren	nises at the date and	d time specified below
PREMIS	SES		DATE AND TIME	
or mo forth, 30(b)(Any organization not a party to this suit that is sure officers, directors, or managing agents, or other for each person designated, the matters on which 6)/	r persons who	consent to testify	on its hehalf, and may get
DEFEND	XH) refl	TIFF OR	DATE AND TIME September 26, 200	5
Steven	A. Beckelman, Esq., Attorneys for Defendant(s)			U .
McCa (973)	GOFFICER'S NAME, ADDRESS AND PHONE NUMBER ITET & English, LLP, Four Gateway Center, 100 N 622 - 4444 [Sea Rule 45, Faceral Rules of Ch	· .	• •	01
n acaion is	pending in district other than district of issuance, state district under reas number		-	· ·

	PR	ROOF OF SERVICE
	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
	DECL	ARATION OF SERVER
I declare under penal contained in the Proof of Serv	y of perjury under the l	ARATION OF SERVER aws of the United States of America that the foregoing information
I declare under penal contained in the Proof of Serv Executed on	y of perjury under the lice is true and correct.	aws of the United States of America that the foregoing information
contained in the Proof of Serv	y of perjury under the l	
contained in the Proof of Serv	y of perjury under the lice is true and correct.	aws of the United States of America that the foregoing information

RULE 45, Federal Rules of Civil Procedure, Parts C & D: (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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- (2) (A) A person commanded to produce and permit inspection and copying of designated 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, heading or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of 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 inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoens was issued shall quash or modify the subpoens 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, or

- (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 subposna
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained experts 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
- (lii) 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 that, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the part 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.

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- (2) When Information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as that 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.

 -		- DISTRICT OF -	COLUMBIA		
U.S. 5	imali Business Administration, as Receiver f				
Techn	ology Fund, L.P.		VA IN A CIVIL CASE		
	Plaintiffs		Civil Action No. 05-0190 (JTG) -		
	V.	Related Cas	se No. 03-0070 (JTG)	*	
Smith	Stratton, Wise, Heher & Brennan, LLP, et a	ls.,		**	
	Defendants		i ecaiv	ad	
777	(nhuma to Wilde	•	112010		
TO:	Johnny A. Kitts Small Business Administration		10.06.00	2	
	409 3rd Street, S.W.				
	Washington, D.C. 20416-0001				
	YOU ARE COMMANDED to appear in the	United States District Co	urt at the place date and time enerified		
_	below to testify in the above case.		and any leady agest mid strice obsessing		
PLACE	OF TESTIMONY	· · · · · · · · · · · · · · · · · · ·	COURTROOM		
			DATE AND TIME		
	SOUL A DIT OFFICE ASSESSMENT ASSE	1 1 1 1 1 1			
図	YOU ARE COMMANDED to appear at the	place, date, and time sp	ecified below to testify at the taking of a		
	deposition in the above case. The deposition	on snall be recorded by s	tenographic means.		
PLACE	OF DEPOSITION		DATE AND TIME		
` እ <i>ቸ</i> መ€"n n	ter & English, LLP		O1 - 40 4004 10 40		
	Lombard Street		October 30, 2006 at 10:00 a.m.		
	ore, Maryland 21202-3219				
	YOU ARE COMMANDED to produce and p	nermit inspection and cod	What of the following documents or abject	÷	
ц.	At the place, date, and time specified below	/ flist documents or object	of all the following decontents of object		
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PLACE			DATE AND TIME		
t. *)		
					
ta	YOU ARE COMMANDED to securit instead		No. 11.1		
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PREMIS	S-8		I am a record of the Ball And		
. Luzenik	553		DATE AND TIME		
	Any organization not a party to this suit	that is subpoenaed for t	the taking of a deposition shall designate	one	
or mo	re officers, directors, or managing agents	, or other persons who	consent to testify on its behalf, and may	v set	
forth,	for each person designated, the matters	on which the person v	vill testify. Federal Rules of Civil Proce	dure	
30(b)(6)/				
6 1 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
DEFEND	OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNE	Y FOR PLAINTIFF OR	DATE AND TIME		
.:	X-HIMO 1 /2		September 26, 2006		
Steven	A. Beckelman, Esq., Attorneys for Defendant (s)	Polyment sol toda		
	· · · · · · · · · · · · · · · · · · ·				
	G OFFICER'S NAME, ADDRESS AND PHONE NUMB		, way		
	arter & English, LLP, Four Gateway Cent	er, 100 Mulberry Street	t, Newark, NJ U/101		
<u>(973)</u>	622 – 4444				
5,5	(See Rule 45, Fed	oral Rules of Civil Procedure, Perts C & C	on Reverse)		

•		PROOF OF SERVICE		
<u> </u>	DATE	PLACE		
SERVED				
SERVED ON (PRINT NAME)		MANNER OF SERVICE		
SERVED BY (PRINT NAME)		TITLE		- ,
	DEC	LARATION OF SERVER		 -
				
I declare under penalt contained in the Proof of Serv	y of perjury under thice is true and correc	e laws of the United States of America II ot.	nat the foregoing informa	tion
I declare under penalt contained in the Proof of Serv Executed on	y of perjury under thice is true and correc	e laws of the United States of America II ot.	nat the foregoing informa	ition
contained in the Proof of Serv	y of perjury under thice is true and correct DATE	e laws of the United States of America to the cit. SIGNATURE OF SERVER	nat the foregoing informa	tion
contained in the Proof of Serv	ice is true and correc		nat the foregoing informa	tion
contained in the Proof of Serv	ice is true and correc		nat the foregoing informa	tion
contained in the Proof of Serv	ice is true and correc	SIGNATURE OF SERVER	nat the foregoing informa	ition

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	mall Business Administration, as Receiver for Acorn ology Fund, L.P.		A IN A CIVIL (* A CVD
COM	Plaintiffs V.	Civil Action N	o. 05-0190 (JTG)	-
Smith,	Stratton, Wise, Heher & Brennan, LLP, et als., Defendants	Related Case	No. 03-0070 (JTC	?)
TO:	Walter Peterson, Jr. 1661B South Hayes Street Arlington, VA 22202			
	YOU ARE COMMANDED to appear in the United Stabelow to testify in the above case. The deposition sha	tes District Cοι all be recorded	irt at the place, da by stenographic n	te, and time specified neans.
PLACE	OF TESTIMONY		COURTROOM	
		`. 	DATE AND TIME	
囨	YOU ARE COMMANDED to appear at the place, date deposition in the above case.	e, and time spe	cified below to tes	tify at the taking of a
PLACE	OF DEPOSITION		DATE AND TIME	
300 E.	rter & English, LLP Lombard Street ore, Maryland 21202-3219		November 8, 2006	at 10:00 a.m.
	YOU ARE COMMANDED to produce and permit insp At the place, date, and time specified below (list docu			g documents or object
PLACE			DATE AND TIME	
	YOU ARE COMMANDED to permit inspection of the	following premi	ses at the date an	d time specified below
PREMI	SES		DATE AND TIME	
	Any organization not a party to this suit that is sub- re officers, directors, or managing agents, or other for each person designated, the matters on which (6)/	persons who	consent to testify	on its behalf, and may set
ISSUINC DEFEND	OFFICER SIGNATURE AND TITLE UNDICATE LEASTORNEY FOR PLAIN	TIFF OR	DATE AND TIME	
	A. Beckelman, Esq., Automeys for Defendant (s)		October 17, 2006	
McCa	G OFFICER'S NAME, ADDRESS AND PHONE NUMBER arter & English, LLP, Four Gateway Center, 100 M	ulberry Street	, Newark, NJ 07	101
	(See Rule 45, Faderal Rules of Civi	Procedure Parts C.R.D.	on Doverso)	

⁽See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse

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

			PROOF OF	SERVICE
		DATE	PLACE	
SERVE	D			
SERVED ON (PRIN	T NAME)			MANNER OF SERVICE
			,	
SERVED BY (PRIN	IT NAME)			TITLE
			•	
		DE	CLARATION	OF SERVER
I declar contained in the	e under penalty Proof of Service	of perjury under the is true and corre	he laws of the	United States of America that the foregoing information
Executed on	- ·	·		
	•	DATE		SIGNATURE OF SERVER
<i>τ</i> .	·		* * * * * * * * * * * * * * * * * * * *	ADDRESS OF SERVER
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RULE 45, Federal Rules of Civil Procedure, Parts C & D: (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 and copying of designated 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 and copying may, within 14 days after service of 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 inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying 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, or

- (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 part 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.

- (1) 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.
- (2) 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.

 		DISTRICT OF —	COLUMBIA		
U.S. S	mall Business Administration, as Receiver for		,		
	ology Fund, L.P.		IA IN A CIVIL CASE		
	Plaintiffs		Civil Action No. 05-0190 (JTG) -		
	V	Related Cas	ed Case No. 03-0070 (JTG)		
Smith,	Stratton, Wise, Heher & Brennan, LLP, et a	s.,	, ,	* .	
	Defendants		,		
TO	Charles Cionviet	,	•		
TO:	Charles Sjoquist Small Business Administration				
•	409 3rd Street, S.W.		•		
	Washington, D.C. 20416-0001				

	YOU ARE COMMANDED to appear in the below to testify in the above case.	United States District Co	urt at the place, date, and time	e specified	
PLACE	OF TESTIMONY		COURTROOM		
			DATE AND TIME		
	· · · · · · · · · · · · · · · · · · ·				
\square	YOU ARE COMMANDED to appear at the	place, date, and time sp	ecified below to testify at the ta	aking of a	
	deposition in the above case. The depositi	on shall be recorded by	stenographic means.	•	
PLACE	OF DEPOSITION	i	DATE AND TIME		
	ter & English, LLP		November 1, 2006 at 10:00 a.n	n.	
	Lombard Street ore, Maryland 21202-3219		į .		
Dannin	ore, war yland 21202-3219	· · · · · · · · · · · · · · · · · · ·	<u> </u>		
	YOU ARE COMMANDED to produce and p At the place, date, and time specified below			nts or object	
PLACE			DATE AND THE	<u></u>	
ILAUL			DATE AND TIME	•	
····				<u> </u>	
	YOU ARE COMMANDED to permit inspect	ion of the following prem	ises at the date and time spec	ified below	
PREMIS	SES SES		DATE AND TIME	<u> </u>	
	Any organization not a party to this suit	hat is subpoenaed for	the taking of a deposition sha	all designate one	
or mo	re officers, directors, or managing agents	or other persons who	consent to testify on its beh	alf, and may set	
forth,	for each person designated, the matters	on which the person v	vill testify. Federal Rules of	Civil Procedure	
30(b)(6)/				
ISSUING	OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNE	Y FOR PLAINTIFF OR	DATE AND TIME		
DEFEND		TOTAL BUILTING OIL	DATE AND TIME		
	Studios		September 26, 2006		
Steven	A. Beekelman, Esq., Attorneys for Defendant (s)				
ISSUM	G OFFICER'S NAME, ADDRESS AND PHONE NUMBE	· ·			
	rter & English, LLP, Four Gateway Center		t Newark NI 07101		
		a, and inturberty office	i, incwark, inj U/101		
(2/3)	622 - 4444 (See Bulg 45 Fed	ral Rules of Civil Procedure, Parts C & I) or Florence	· · · · · · · · · · · · · · · · · · ·	
1 If action is	(See Role 45, Febr s pending in district other than district of issuance, state district under case		OH VCAG26	•	

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				OF SERVICE	
		DATE	PLA	CE .	
SERVE)				
SERVED ON (PRIN	T NIAME)		· · · · · · · · · · · · · · · · · · ·	MANNER OF SERVICE	
SERVED ON (FRIM	· NAME)			WANTER OF GERVIOL	
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SERVED BY (PRIN	(NAME)			TITLE	,
			· ·		
		·	DECLARATI	ON OF SERVER	
contained in the	Proof of Se	rvice is true and o	correct.		
Executed on					
		DATE		SIGNATURE OF SERVER	
				ADDRESS OF SERVER	
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RULE 45, Federal Rules of Civil Procedure, Parts C & D: (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

reasonable attorney's fee.

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- (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 part 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 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.
- (2) 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.