

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

METH LAB CLEANUP, LLC, a domestic
limited liability corporation,

CASE NO.: 2:10-cv-00193-N-EJL

Plaintiff,

Southern District of Florida
Case No.:

vs.

SPAULDING DECON, LLC, a foreign limited
liability corporation and LAURA SPAULDING,
individually,

Defendants.

NOTICE OF FILING

Plaintiff, METH LAB CLEANUP, LLC, by and through undersigned Counsel, hereby gives notice to all interested persons and parties of the filing of copies of the following:

1. This Court's Order of June 30, 2010, Order limiting discovery (Dkt # 20);
2. This Court's Order of September 20, 2010, Denying Defendants' Motion to Limit Discovery and Quash Subpoenas (Dkt. # 43);
3. Copy of Subpoena for Records directed to DFS Services, LLC;
4. Copy of Subpoena for Records directed to Records Custodian - American Express;
5. Copy of Subpoena for Records directed to Records Custodian - AT&T Wireless.

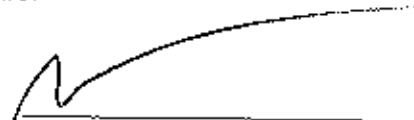
Submitted this 5th day of October, 2010.



VINCENT B. LYNCH, ESQ.
Florida Bar No.: 0917801
Lynch & Robbins PA
2639 Dr. MLK Jr. Street N.
St. Petersburg, FL 33704
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to Enrico A. Mazzoli, Esquire, Waters Law Group, PLLC, 714 Lyndon Lane, Suite 6, Louisville, KY 40222, this 5th day of October, 2010.



Vincent B. Lynch, Esq.
Florida Bar No.: 0917801

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

METH LAB CLEANUP LLC, a
domestic limited liability corporation,

Plaintiff,

vs.

SPAULDING DECON, LLC, a
foreign limited liability corporation,
and LAURA SPAULDING,
individually,

Defendants.

Case No. 2:10-CV-193-CWD

ORDER

Before the Court is Plaintiff Meth Lab Cleanup LLC's Motion for Expedited Discovery and for enlargement of time (Docket No. 19). Plaintiff seeks to conduct limited discovery so that it may respond to the pending motion to dismiss that Defendants filed on May 13, 2010, and for which a response is due on July 1, 2010. (Docket Nos. 7, 18.) Plaintiff asserts that the motion pertains to personal jurisdiction, and that Plaintiff requests discovery in advance of a scheduling order for the limited purpose of obtaining information, documentation, or communications related to Defendants' daily business

ORDER - 1

activities and contacts with the state of Idaho. Plaintiff represents that Defendants object to the entry of an order granting the relief requested until the Court issues a ruling disposing of the Motion to Dismiss.

Rule 26(d) permits discovery prior to the Rule 26(f) conference when authorized by court order. When evaluating a request for expedited discovery, courts have applied the "good cause" standard. *Semitool, Inc. v. Tokyo Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). "Good cause may be found where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." *Semitool, Inc.*, 208 F.R.D. at 276. The discovery sought, however, must be relevant, and there must be good cause to provide immediate access to the discovery sought rather than postponing its ultimate production during the course of the proceedings. *Id.*

The Court finds that Plaintiff has established good cause to warrant granting its motion. Plaintiff will be allowed sixty days from the date of this order within which to conduct discovery limited to Defendants' daily business activities and contacts with the state of Idaho. Upon expiration of the sixty day period, Plaintiff will have twenty-one days within which to file a response to Defendants' Motion to Dismiss. The Court will postpone conducting a scheduling conference until such time as it issues a ruling on the Motion to Dismiss, as the motion may be dispositive of the issues raised in the Complaint.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1) Plaintiff's Motion for Expedited Discovery (Docket No. 19) is **GRANTED**.

Plaintiff will have up to and including August 30, 2010, within which to conduct limited discovery consistent with this Order.

Plaintiff's response to the Motion to Dismiss will be filed on or before September 20, 2010. Any reply will be submitted in accordance with Dist. Idaho Loc. Civ. R. 7.1.



DATED: June 30, 2010

A handwritten signature in cursive script, appearing to read "C. Dale".

Honorable Candy W. Dale
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

METH LAB CLEANUP LLC, a domestic
limited liability corporation,

Plaintiff,

vs.

SPAULDING DECON, LLC, a foreign
limited liability corporation, and LAURA
SPAULDING, individually,

Defendants.

Case No. 2:10-CV-193-CWD

ORDER

INTRODUCTION

This matter is before the Court pursuant to Defendants' Motion to Limit Discovery or Quash Subpoenas, (Dkt. 38), which was filed in response to the issuance of twelve (12) third party subpoenas by Plaintiff (Dkt. 26-37). The Court expedited the briefing deadlines and conducted a telephonic hearing on September 16, 2010. The matter is now ripe for review, and for the reasons below the Court will deny Defendants' motion, but also issue this Order enforcing its order limiting discovery (Dkt. 20).

BACKGROUND

Plaintiff Meth Lab Cleanup, LLC ("Meth Lab") filed a complaint against Defendants Spaulding Decon, LLC, and its principal, Laura Spaulding (collectively, "Spaulding"), on April 13, 2010, alleging trademark infringement and misappropriation of Meth Lab's mark. Meth Lab's Complaint includes claims for breach of contract, misappropriation of trade secrets, unfair competition under both federal and state law, infringement of trademark, and dilution of trademark.¹ Meth Lab seeks declaratory relief, damages, and an injunction preventing Spaulding's further alleged use of Meth Lab's mark.

According to the Complaint, Meth Lab, an Idaho company, is in the business of providing services including training, consultation, and evaluation in the areas of decontamination and evaluation of drug lab sites. It applied for registration of "METH LAB CLEANUP" as a service mark in or about September, 2007, and obtained registration of its marks. (Compl. Exs. A, B, C, Dkt. 1.) Meth Lab also maintains a website, and markets its services throughout the United States.

Laura Spaulding, on behalf of Defendant Spaulding Deacon, LLC, participated in a training course Meth Lab taught in or about December of 2006. As a condition of taking the course, she was required to enter into a non-disclosure and non-circumvent agreement. Meth Lab alleges that, after taking the course, Spaulding began using Meth

¹ The Complaint alleges jurisdiction based upon diversity and the existence of claims under federal law.

Lab's mark and misappropriated the mark by manipulating Google AdWords and Google Sponsored Links on the internet to drive consumers to Spaulding's website when consumers intended to search for Meth Lab.

In response to the Complaint, on May 13, 2010, Spaulding filed a motion to dismiss and alternatively to transfer venue (the "Motion"). (Dkt. 7.) Spaulding contends that this Court lacks personal jurisdiction over Defendants because Meth Lab's claims do not arise out of or relate to any activities of Defendants in Idaho. Alternatively, Spaulding asserts that the proper forum for this action is the Middle District of Florida, in Tampa. Spaulding states that Spaulding Decon, LLC, is a Florida company and that Ms. Spaulding, the company's sole member and manager of Spaulding Decon, LLC, resides in Florida and has no minimum contacts with Idaho to satisfy the requisites for personal jurisdiction. Spaulding further asserts that, although Meth Lab is an Idaho company, it targets and solicits business nationwide and delivers training at other locations throughout the United States and Canada. Spaulding therefore argues venue is proper in Florida.

On June 4, 2010, Meth Lab filed a motion seeking additional time within which to respond to Spaulding's Motion, and a motion to expedite discovery. (Dkt. 17, 19.) On June 30, 2010, the Court entered an order granting Meth Lab's motions (the "Order"). The Order granted Meth Lab "sixty days from the date of this order within which to conduct discovery limited to Defendants' daily business activities and contacts with the state of Idaho," and provided a deadline of August 30, 2010, to conduct such limited discovery. (Dkt. 20.) The Order further provided until September 20, 2010, for Meth Lab

to respond to the Motion. Finally, the Court determined it would postpone conducting a scheduling conference until it ruled on the Motion.

On July 15, 2010, this matter was reassigned to the Honorable Edward J. Lodge. Judge Lodge issued a Litigation Order on July 20, 2010, and set the matter for a telephonic scheduling conference to be conducted on August 31, 2010. (Dkt. 22.) The parties submitted a joint litigation plan on August 9, 2010, (Dkt. 24), and thereafter Judge Lodge vacated the telephonic conference, and entered a scheduling order on August 11, 2010, setting pretrial deadlines, including a discovery deadline of August 24, 2011. (Dkt. 25.) All pretrial matters were referred to the undersigned Magistrate Judge. (Dkt. 23.)

On or about August 26, 2010, Meth Lab caused to be issued twelve subpoenas² on third parties seeking a wide variety of documents, including financial records, correspondence, telephone records, advertising documents, inquiries, email correspondence, and any other documents in the third parties' possession showing communication with Spaulding. The third parties included American Express, AT&T, T-Mobile, internet companies such as Google, and web companies, among others. (Dkt. 26-37.) The subpoenas are broad in scope, asking for production of "any and all documents" in the third parties' possession, from 2005 to the present. The subpoenas granted the third parties until September 9, 2010, within which to respond.

² At the hearing, it was not clear how many subpoenas might actually have been served. The docket reflects a total of twelve, but the briefing refers to thirteen subpoenas, and at the hearing, Spaulding indicated that the number may be as many as fifteen. The terms of this order, as explained below, apply to all subpoenas, not just the twelve reflected in the Court's Docket.

On August 27, 2010, Spaulding filed Notices of Objection to the twelve subpoenas, objecting on the grounds that the subpoenas violate the Court's June 30, 2010 Order limiting discovery, were improperly served under Fed. R. Civ. P. 45(b) and (c), and on the grounds of privilege and undue burden or expense. Spaulding also cites Fed. R. Civ. P. 26(b)(2)(C) as grounds to quash the subpoenas. Spaulding instructed the third parties not to comply with the subpoenas.

Meth Lab counters Spaulding's arguments, pointing out that the Court entered its Scheduling Order on August 11, 2010, setting general discovery deadlines. Meth Lab also cites Dist. Idaho Loc. Civ. R. 37.1, contending that Spaulding failed to meet and confer prior to filing its motion objecting to the subpoenas. In addition, Meth Lab argues that Spaulding lacks standing to object to the subpoenas in this Court under Rule 45, which rule states that third party subpoenas must be issued from other courts, and that the third parties must raise objections under Rule 45, not Spaulding. Finally, Meth Lab contends that Spaulding cannot show proper grounds for issuance of a protective order under Fed. R. Civ. P. 26(b)(2)(C) and 26(c).

DISCUSSION

Citing various rules of civil procedure as grounds to deny Spaulding's motion to limit discovery, not once did Meth Lab in its brief mention the Court's Order limiting discovery or explain why that Order is no longer in effect. Instead, Meth Lab cited the scheduling order entered on August 11, 2010, as "establishing due dates for litigation deadlines, and opening up the parties' right to discovery on the merits as to *all* matters

that are properly the source of discovery.” (Response Brief at 5, Dkt. 41.) Upon reading the briefs, it was clear to the Court that Meth Lab believed it had free reign to conduct any and all discovery relating to the causes of action asserted in its Complaint, and to disregard the Court's prior Order. The timing of the subpoenas implicitly supports the Court's assumption. The Order set an August 30, 2010, deadline for completion of limited discovery, yet the subpoenas were issued on August 26, 2010, shortly after the Court's issuance of the August 11, 2010 scheduling order. And the Subpoenas sought production of documents on or before September 9, 2010, more than one week after the expiration of the limited discovery deadline.

At the hearing, although Counsel for Meth Lab asserted that the subpoenas had no purpose other than to obtain information establishing Spaulding's contacts with the state of Idaho, in the same breath Counsel acknowledged the subpoenas' broad scope would likely result in an unlimited production of documents unrelated to Spaulding's contacts with Idaho, but relevant to the issues in the Complaint. The subpoenas asked for “all information,” not just information limited to Spaulding's contacts with Idaho or Spaulding's activities directed at Idaho. It was clear to the Court that, despite Meth Lab's protests, the subpoenas were deliberately broad and cast a wide net.

This Court has the power to interpret and enforce its own orders. *Davies v. Grossmont Union High School Dist.*, 930 F.2d 1390, 1393 (9th Cir. 1991). The Court issued its Order limiting discovery, while also issuing an order establishing case management deadlines, including a deadline for completion of all discovery. District

Judge Lodge's scheduling order did not vacate the Court's earlier Order establishing both temporal and content limitations upon discovery. It is more likely than not that Judge Lodge simply overlooked the provision in the Order that the Court would postpone conducting a scheduling conference until a ruling was issued on the Motion to Dismiss.³

Fed. R. Civ. P. 26(b)(2)(C) permits a court to impose limits upon discovery after considering the burden or expense of the proposed discovery in relation to its benefits, or the needs of the case and the importance of the discovery in resolving the issues, among other factors. There is no inherent conflict in establishing a final discovery deadline, on the one hand, yet continuing to restrict discovery until the Motion seeking dismissal or transfer of venue is resolved. By setting case management deadlines, the Court did not vitiate the Court's prior Order, or the concerns it had that discovery be limited to information responsive to the Motion. If the Motion is granted, no further need exists at this time for the parties to engage in costly discovery, and it is possible that another district court may establish alternative deadlines and discovery requirements. A court order limiting discovery can be issued at any time, and in this case, by virtue of the pending Motion, such an order happened to be issued prior to instead of after the Scheduling Order. But the Court's Order limiting discovery to information designed to enable Meth Lab to respond to the Motion is still in effect.

³ Nothing prevented the parties, however, from bringing the issue to the Court's attention, either within the proposed litigation plan, or by objecting to the litigation order. Even the Court is not immune from overlooking matters reflected on its own docket, especially considering the matter was reassigned and given the judges' case loads.

Meth Lab's conduct violated the Court's Order in two respects. First, the subpoenas, while they arguably will result in production of documents eliciting information about Spaulding's contacts with Idaho, will produce more than that. And second, the subpoenas were issued four days prior to the August 30, 2010 deadline, exceeding the cutoff for production established in the Order. Meth Lab stated twice during the telephonic hearing that it has sufficient information to respond to the Motion without the information it hoped to obtain from the third party subpoenas. Therefore, there is no need to extend the August 30, 2010 deadline or the briefing schedule for the Motion, and no need to modify the subpoenas to comply with the subject matter limitations imposed by the Order.⁴

But the Court faces a practical problem with enforcing its order. The subpoenas, pursuant to Fed. R. Civ. P. 45, were all issued from courts other than this Court. (Florida, Dkt. 37-1, 34-1, 32-1, 31-1, 30-1, 29-1, 27-1, 26-1; Texas, Dkt. 36-1; Washington, Dkt. 35-1; California, Dkt. 33-1, 28-1.) Rule 45(c)(3) establishes that the power to quash a subpoena is limited to the issuing court, and the motion requesting such relief must be brought by the third party witness. Therefore, to effectuate its Order, Plaintiff must file a copy of the Order limiting discovery (Dkt. 20), as well as a copy of this order, with the district courts that issued the subpoenas and in every matter in which subpoenas were issued. Plaintiff must also provide copies of the Order (Dkt. 20) to all third parties who

⁴ In making its determination, the Court did not consider the alternative arguments raised by the parties in their briefs, as it found the language of its own Order already served to effectuate the relief Spaulding requested in its motion.

were issued subpoenas, with a letter of explanation that they are under no obligation to respond to the subpoenas at this time.

One final issue bears mention. Dist. Idaho Loc. Civ. R. 37.1 requires a certification that the movant has in good faith conferred or attempted to confer with other affected parties to resolve a discovery dispute without court action. Dist. Idaho Loc. Civ. R. 37.1 states that the Court will not entertain any discovery motion "unless the moving party . . . files with the court, at the time of filing the motion, a statement showing that the party making the motion has made a reasonable effort to reach agreement . . . on the matters set forth in the motion."

Spaulding's counsel did not file such a statement, apologizing at the hearing that he had no excuse for his oversight. (Dkt. 38.) However, in Spaulding's reply memorandum, Spaulding's counsel represented that he had conversations with Meth Lab's counsel in an attempt to resolve the discovery issue, and that the deadlines in the proposed litigation plan were discussed in the context of the Motion and the discovery limitations previously imposed. (Reply at 3-4, Dkt. 42.) While the Court does not condone the lack of compliance with its local rules, neither does it turn a blind eye to violation of its own orders for a technical failure to comply with those rules. The Court, however, encourages counsel to familiarize themselves with this Court's local rules, which are readily accessible on the court's website, www.id.uscourts.gov.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

1) Defendants' Motion to Limit Discovery and Quash Subpoenas (Dkt. No. 38) is **DENIED**.

IT IS FURTHER ORDERED:

- 1) The parties must comply with the Court's Order, (Dkt. 20), limiting discovery as set forth therein, until a ruling is issued deciding the Motion to Dismiss;
- 2) Plaintiff will file a copy of the Order limiting discovery (Dkt. 20), as well as a copy of this order, with the various district courts in every matter in which subpoenas were requested by Plaintiff and issued relative to this action;
- 3) Plaintiff will provide copies of the Order limiting discovery (Dkt. 20) to all third parties who were issued subpoenas relating to this action, with a letter of explanation that they are under no obligation to respond to the subpoenas at this time; and
- 4) The Court will set Defendants' Motion to Dismiss (Dkt. 7) for a hearing, to be held in Coeur d'Alene, Idaho, during the week of October 18, 2010, at a time and date convenient for counsel and the Court. A Notice of Hearing will be forthcoming.



DATED: September 20, 2010

CW Dale

Honorable Candy W. Dale
Chief United States Magistrate Judge

CONCLUSION

Based upon the foregoing discussion, the Court's Order (Dkt. 20) limiting discovery is still in effect. Therefore, Defendants' motion seeking to limit discovery is moot because the Court's Order already provides such relief. And the Defendants' alternative request to quash the subpoenas is denied, as the Court is without authority to do so under Fed. R. Civ. P. 45. However, the Court will treat Defendants' motion as a request to enforce its prior Order, and will effectuate its terms and intent.

Rec'd
FILED

Issued by the
UNITED STATES DISTRICT COURT

2010 SEP 23 AM 10:52

SOUTHERN

DISTRICT OF

FLORIDA
DISTRICT OF FLORIDA
TAMPA, FLORIDA

METH LAB CLEANUP, LLC

V.

SUBPOENA IN A CIVIL CASE

SPAULDING DECON, LLC & LAURA SPAULDING

Case Number:¹ 2:10-cv-00193-CWD (Idaho)

TO: DFS Services, LLC
c/o CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

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 Plantation Center - Todd Olivas & Associates 8201 Peters Road, Plantation, FL 33324	DATE AND TIME 9/9/2010 10:00 am
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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):

Any and all financial documents for each account in the name of the Defendants, including documents evidencing the acct. number, types of accts, date accts. were opened, status of the acct., authorized individuals on the acct., current balance, checks, ledgers, agreements, check registers, agreements and correspondence from 2005 to present.

PLACE: YOU MAY PRODUCE DOCUMENTS IN LIEU OF DEPOSITION AT: Lynch & Robbins, 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704	DATE AND TIME 9/9/2010 5:00 pm
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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)	DATE 9-16-10
---	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Vincent B. Lynch, Esq.
Lynch & Robbins, P.A., 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704 ((800) 934-5999

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

**Issued by the
UNITED STATES DISTRICT COURT**

SOUTHERN

DISTRICT OF

FLORIDA

METH LAB CLEANUP, LLC

V.

SUBPOENA IN A CIVIL CASE

SPAULDING DECON, LLC & LAURA SPAULDING

Case Number:¹ 2:10-cv-00193-CWD (Idaho)

TO: RECORDS CUSTODIAN - AMERICAN EXPRESS
c/o General Counsel
2900 Commerce Parkway
Miramar, FL, 33025 Maildrop# FL95-01-16

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 Miramar Court Reporting - Todd Olivas & Associates 3350 SW 148th Avenue, Miramar, FL 33027	DATE AND TIME 9/9/2010 10:00 am
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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):

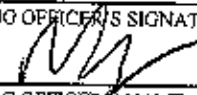
Any and all financial documents for each account in the name of the Defendants, including documents evidencing the acct number, types of accts, date accts. were opened, status of the acct., authorized individuals on the acct., current balance, checks, ledgers, agreements, check registers, agreements and correspondence from 2005 to present.

PLACE YOU MAY PRODUCE DOCUMENTS IN LIEU OF DEPOSITION AT: Lynch & Robbins, 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704	DATE AND TIME 9/9/2010 5:00 pm
--	-----------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

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) 	DATE 9-26-10
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Vincent B. Lynch, Esq. Lynch & Robbins, P.A., 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704 ((800) 934-5999)

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page.)

¹ If action is pending in district other than district of issuance, state district under case number.

Rec'd
FILED

Issued by the
UNITED STATES DISTRICT COURT

2010 SEP 23 AM 10:53

SOUTHERN

DISTRICT OF

FLORIDA

METH LAB CLEANUP, LLC

V.

SUBPOENA IN A CIVIL CASE

SPAULDING DECON, LLC & LAURA SPAULDING

Case Number: 2:10-cv-00193-CWD (Idaho)

TO: RECORDS CUSTODIAN - AT&T Wireless
c/o National Subpoena Compliance Center
P.O. Box 24679, West Palm Beach, FL 33416-4679
Fax subpoena to: (888) 938-4715

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 Florida Court Reporting 2161 Palm Beach Lakes, Suite 302, West Palm Beach, FL 33409	DATE AND TIME 9/9/2010 10:00 am
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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):

Any and all telephone logs for the Defendants, indicating sent and received telephone calls, texts, SMS and MMS. Any and all invoices, payments and correspondence of the Defendants from 2005 to the present.

PLACE YOU MAY PRODUCE DOCUMENTS IN LIEU OF DEPOSITION AT: Lynch & Robbins, 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704	DATE AND TIME 9/9/2010 5:00 pm
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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)	DATE
---	------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Vincent B. Lynch, Esq.
Lynch & Robbins, P.A., 2639 Dr. MLK Jr. Street, St. Petersburg, FL 33704 (800) 934-5999

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

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