

William L. Crowley  
Natasha Prinzing Jones  
Thomas J. Leonard  
BOONE KARLBERG P.C.  
201 West Main, Suite 300  
P.O. Box 9199  
Missoula, MT 59807-9199  
Telephone: (406)543-6646  
Facsimile: (406) 549-6804  
bcrowley@boonekarlberg.com  
npjones@boonekarlberg.com  
tleonard@boonekarlberg.com

*Attorneys for City and Library Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MICHAEL E. SPREADBURY,

Plaintiff,

v.

BITTERROOT PUBLIC LIBRARY,  
CITY OF HAMILTON, LEE  
ENTERPRISES, INC., BOONE  
KARLBERG P.C., DR. ROBERT  
BROPHY, TRISTA SMITH, NANSU  
RODDY, JERRY STEELE, STEVE  
SNAVELY, STEVEN BRUNER-  
MURPHY, RYAN OSTER,  
KENNETH S. BELL, and JENNIFER  
LINT,

Defendants.

Cause No. CV-11-064-M-DWM-JCL

**SUBPOENA DUCES TECUM**

**TO: Group Delta Consultants & Geotechnics, Inc.  
9245 Activity Road, Suite 103  
San Diego, CA 92126**

- 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	DATE AND TIME
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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 documents or tangible things, including but not limited to your entire file relating to former employee Michael E. Spreadbury. Mr. Spreadbury's date of birth is [REDACTED]; his social security number ends with [REDACTED]. This request includes any and all documents related to Mr. Spreadbury's relationship with Group Delta Consultants & Geotechnics, Inc., at any time, including but not limited to his employment as a staff geologist with your firm from 1995-1996.

PLACE <b>Boone Karlberg P.C. 201 West Main, Suite 300 P. O. Box 9199 Missoula, MT 59807-9199</b>	DATE AND TIME  <b>By <u>November 21, 2011</u></b>
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- YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

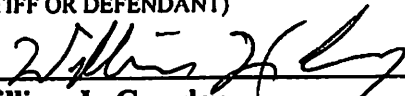
PREMISES	DATE AND TIME
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<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

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

  
**William L. Crowley**  
**Boone Karlberg P.C.**  
**201 West Main, Suite 300**  
**P. O. Box 9199**  
**Missoula, MT 59807-9199**  
**(406) 543-6646**  
*Attorneys for Defendants City and Library Defendants*

November 4, 2011

(See Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) attached)

**PROOF OF SERVICE**

SERVED BY U.S. MAIL	DATE November 4, 2011	PLACE SEE ADDRESS OF PARTY SERVED BELOW
SERVED ON (PRINT NAME)  <b>Group Delta Consultants &amp; Geotechnics, Inc.</b> <b>9245 Activity Road, Suite 103</b> <b>San Diego, CA 92126</b>		MANNER OF SERVICE  Personal by U.S. Mail
SERVED BY (PRINT NAME)  <b>William L. Crowley</b> <b>Boone Karlberg P.C.</b> <b>P.O. Box 9199</b> <b>Missoula, MT 59807-9199</b> <b>(406) 543-6646</b>		TITLE  <b>Attorney</b>

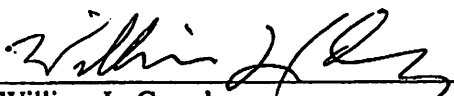
**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on November 4, 2011

Signature of Server

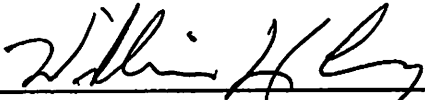
Address of Server:

  
**William L. Crowley**  
**Boone Karlberg P.C.**  
**P.O. Box 9199**  
**Missoula, MT 59807-9199**

CERTIFICATE OF SERVICE

I hereby certify that, on the 4<sup>th</sup> day of November, 2011, a copy of the foregoing document was served on the following by U.S. Mail:

Michael E. Spreadbury  
700 South Fourth Street  
Hamilton, MT 59840

  
\_\_\_\_\_  
William L. Crowley  
BOONE KARLBERG P.C.  
*Attorneys for City and Library Defendants*

**Rule 45(c) and (e), Fed. R. Civ. P.**

**(c) Protection of persons subject to or affected by 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, copying, testing, or sampling of designated electronically stored information, 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, copying, testing or sampling, or any person affected thereby, may, within 14 days after service of the 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 producing of any or all of the designated materials or inspection of the premises, or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample, the 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, and to any affected person who has served written objection, move at any time for an order to compel the production, inspection, copying, testing or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing or sampling 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; or**

**(ii) requires in the case of a deposition or production prior to hearing or trial, a person to travel beyond the 100 mile radius provided in subparagraph (b)(2) of this rule; 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 party 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.**

**If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it, or in a form or forms that are reasonably usable.**

**A person responding to a subpoena need not produce the same electronically stored information in more than one form.**

**A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations or Rule 26(b)(2)(C). The court may specify conditions for the discovery.**

**(2) When information subject to a subpoena is withheld on a claim that 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.**

**Disobedience of this order may be deemed a contempt of the court.**