

EXHIBIT 7

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

MARY JANE COLSTON

Plaintiff

v.

CLEVELAND PUBLIC LIBRARY, et al.

Defendant

Civil Action No. 1:12-CV-00204

(If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: ELIOT W. GUTOW, LISW
10 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OH 44118

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: COMPLETE FILE OF MARY JANE COLSTON, AUTHORIZATION ATTACHED

Place: OGLETREE DEAKINS 127 PUBLIC SQUARE, SUITE 4130 CLEVELAND, OH 44114	Date and Time: 06/04/2012 5:00 pm
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

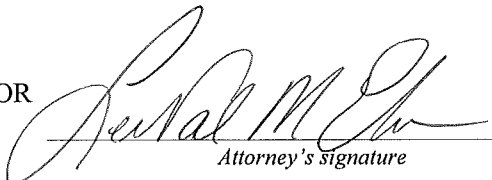
Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so,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

Date: 5/18/12

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR


Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____

CLEVELAND PUBLIC LIBRARY, who issues or requests this subpoena, are:
LerVal Elva (0085441)
Ogletree Deakins, 127 Public Square, Suite 4130, Cleveland, OH 44114
lerval.elva@ogletreedeakins.com (216) 241-6100

Civil Action No. 1:12-CV-00204

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)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; 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 \$ _____ for services, for a total of \$ 0.00.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding 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 for a protective order, the person responding must show that the information 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 of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**AUTHORIZATION FOR RELEASE
OF MEDICAL RECORDS AND INFORMATION**

TO: Eliot W. Gutow, LISW

NAME: Mary Jane Colston

SS#: [REDACTED]

DOB: [REDACTED]

CASE NAME: Mary Jane Colston v. Cleveland Public Library, et al.

CASE NUMBER: 1:12-cv-00204

COURT: United States District Court for the Northern District of Ohio, Eastern Division

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1. I, Mary Jane Colston, hereby authorize the above-referenced health care providers (the "Providers") to disclose, release, and give the information detailed in Items 2 through 4 below to the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree Deakins"), 127 Public Square, Suite 4130, Cleveland, Ohio, 44114, notwithstanding any privilege or confidentiality which may protect these records under state or federal law. This disclosure and release is requested for purposes of litigation that I have initiated.
 2. The information to be released includes any and all information described in Items 3 and 4 below related to any and all services provided.
 3. The information to be released is any information and documents in a Provider's possession, including notes, charts, discharge, treatment, or operative reports or abstracts, photographs, and the like, concerning medical treatment, medical history, psychiatric or psychological treatment, counseling, history, and diagnosis, medical, psychiatric, and psychological prognosis, prescribed medications, drug or alcohol treatment or counseling, or other similar information or documentation pertaining to services rendered to me¹ and to allow Ogletree Deakins to examine and obtain copies of any such records, charts, x-rays, and each and every document included in any such medical charts, and any other documentation, upon presentation of this authorization or any duplicate or photostatic copy thereof.
 4. To the extent that this release is directed to any individual pharmacist or medical practitioner, including physicians, nurses, therapists, or others who rendered or are rendering medical, psychiatric, or psychological treatment or other counseling, the

¹ This is not a request for "psychotherapy notes" (defined as notes recorded by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of my medical record, but excluding information regarding medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date).

Providers are further authorized to give to Ogletree Deakins an opinion or statement of prognosis, whether written or verbal, as the same pertains to me.

5. A copy of this authorization may be used just as if it were the original.
6. I have read and understand the following related to this authorization:
 - (a) This authorization will expire upon the conclusion of the above-referenced litigation.
 - (b) I may revoke this authorization in writing at any time prior to the expiration event in Item 6(a) above. To revoke this authorization, I must send notice of revocation to an Ogletree Deakins attorney who is an attorney of record in the above-referenced case at the address provided in Item 1 above.
 - (c) If I revoke this authorization, it will not have any effect on disclosures made prior to such revocation.
 - (d) The health information disclosed pursuant to this authorization may be redisclosed and used by the recipient of this information for any legitimate purposes related to the above-referenced litigation.

This the 5 day of May, 2012.

Mary J. Colston
Mary Jane Colston

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARY JANE COLSTON,

Plaintiff,

v.

CLEVELAND PUBLIC LIBRARY, et al.,

Defendant.

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CASE NO. 1:12-CV-00204

JUDGE GWIN

VERIFICATION OF RECORDS

CUSTODIAN FOR ELIOT W. GUTOW,

LISW

VERIFICATION

I, _____, serving as records custodian for Eliot W. Gutow, LISW located at _____, verify that _____ pages of records attached hereto pertaining to Mary Jane Colston, are true and correct copies of the records kept in the normal course of business.

Dated this _____ day of _____, 2012.

Records Custodian

Subscribed and sworn to before me, a Notary Public, on this _____ day of _____, 2012.

Notary Public

My Appointment Expires: