

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT,)
III, and JILL PATTERSON,)

Plaintiffs,)

v.)

Civil Action No. 6:06-CV-00109-HMH

PHILIP J. SMITH,)

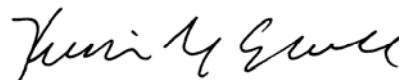
NOTICE TO TAKE DEPOSITION

Defendant.)

To: Philip J. Smith
601 Cleveland Street
Apartment 5-C
Greenville, South Carolina 29601

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, on October 26, 2006, commencing at the hour of 11:00 a.m., Plaintiff BidZirk, LLC shall procure via stenographic and videographic means the deposition of Defendant Philip J. Smith upon oral testimony at the offices of K.M. Elwell, P.C., 111 East North Street, Greenville, South Carolina 29601, before a court reporter authorized to administer oaths, for the purpose of discovery and for all other purposes permitted under the Federal Rules of Civil Procedure.

This 23rd day of October, 2006.



KEVIN M. ELWELL

K. M. ELWELL, P.C.
111 East North Street
Greenville, South Carolina 29601
(864) 232-8060
(404) 759-2124 e-facsimile
kmelwell@kmelwell.com

Attorneys for Plaintiffs BidZirk, LLC,
Daniel G. Schmidt, III and Jill Patterson

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PHILIP J. SMITH,)


Defendant.)

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing NOTICE TO TAKE
DEPOSITION by hand delivery to:

Mr. Philip J. Smith
601 Cleveland Street, Apartment 5-C
Greenville, South Carolina 29601

This 23rd day of October, 2006.



KEVIN M. ELWELL

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Greenville, South Carolina 29601
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kmelwell@kmelwell.com

Attorneys for Plaintiffs BidZirk, LLC,
Daniel G. Schmidt, III and Jill Patterson