

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, )

AMENDED NOTICE  
TO TAKE DEPOSITION

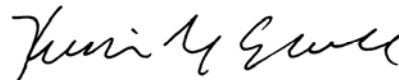
Defendant. )

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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 November 3, 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 24<sup>th</sup> day of October, 2006.



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KEVIN M. ELWELL

K. M. ELWELL, P.C.  
111 East North Street  
Greenville, South Carolina 29601  
(864) 232-8060  
(404) 759-2124 e-facsimile  
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Attorneys for Plaintiffs BidZirk, LLC,  
Daniel G. Schmidt, III and Jill Patterson

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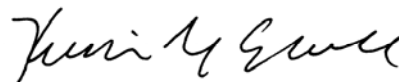
Defendant. )

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing AMENDED NOTICE TO TAKE DEPOSITION by depositing same in the United States Mail in a properly-addressed envelope with adequate postage affixed to:

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

This 24<sup>th</sup> day of October, 2006.



KEVIN M. ELWELL

K. M. ELWELL, P.C.  
111 East North Street  
Greenville, South Carolina 29601  
(864) 232-8060  
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Attorneys for Plaintiffs BidZirk, LLC,  
Daniel G. Schmidt, III and Jill Patterson