

OR16
1 Charles Eastwood
4024 N. 84th Ln.
2 Phoenix AZ 85037
602-717-5397
3 Plaintiff in Pro Per

ORIGINAL

4
5 SUPERIOR COURT OF ARIZONAA
COUNTY OF MARICOPA

6
7 CHARLES EASTWOOD,
8 Plaintiff,

} Case No.: CV 2010 027605

9 vs.

} SUBPOENA IN CIVIL ACTION
[X] DUCES TECUM

10 ATLAS LOCKSMITH SOLUTIONS, LLC,
11 Et. Al. ,
12 Defendants

13
14
15 IN THE STATE OF ARIZONA TO: CUSTODIAN OF RECORDS FOR
16 INTERNATIONAL TELCOM LTD dba KALL8
17 C/O YVETTE MELENDEZ, Agent
18 417 2ND AVENUE WEST
19 SEATTLE , WA 98119

20
21 YOU ARE COMMANDED TO APPEAR AND ATTEND and give testimony or to
22 produce and permit inspection and copying, designated books,
23 documents or tangible things in the possession, custody or
24 control of that person, or to permit inspection of premises, at
25 a time and place therein specified:

26 This Subpoena is for records only. Compliance will be deemed
27 complete if you e-mail legible copies of the documents to
28 Charley@LocksmithCharley.com and subsequently mail, prior to
29 October 15, 2010, a printed copy to:

30 Charles Eastwood
31 4024 N. 84th Ln.
32 Phoenix, AZ 85037

1 YOU ARE COMMAND TO PRODUCE and permit inspection and copying of:

2 1. The complete records maintained by your organization
3 regarding each of the following telephone numbers:

4 866-303-3232 866-620-2929 877-224-0060 866-992-4545
5 866-748-4554 866-840-2323 877-865-5577 866-992-8787
6 866-905-6577 866-997-7171 877-991-1515 888-551-7992
7 866-628-3959

8 "Complete records" as described above includes, but is not
9 limited to the name, billing address, physical address, contact
10 person, contact person's telephone number, ring-to number, and
11 billing records and call details for the past 3 months.

12 2. Billing records and call details for the period of November
13 1, 2008 through January 31, 2009.

14
15 In the event this Subpoena is for appearance before the court
16 please contact the division of this Court stated above to
17 determine if the trial or hearing time has been changed. ARS 22-
18 217, 12-2211; RCP 45(a), 53(e).

19
20 You have been subpoenaed by Charles Eastwood, plaintiff in Pro.
21 Per.

22
23 YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA
24 WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A CONTEMPT OF THIS COURT,
25 AND A CIVIL ARREST WARRANT MAY BE ISSUED. A CIVIL ARREST IS AN
26 ORDER DIRECTING ANY POLICE OFFICER IN ARIZONA TO ARREST YOU AND
27 BRING YOU BEFORE THIS COURT FOR FUTURE PROCEEDINGS.

28
29 SIGNED AND SEALED THIS DATE: _____

SEP 22 2010

30 MICHAEL K. JEANES, CLERK

31 By: Deputy *[Signature]*



1 **YOUR DUTIES IN RESPONDING TO THIS SUBPOENA**

2 You have duty to produce the documents requested as they are
3 kept by you in the usual course of business, or you may organize
4 the documents and label them to correspond with the categories
5 set forth in this subpoena. See Rule 45 (d)(1) of the Arizona
6 Rules of Civil Procedure. If this subpoena asks you to produce
7 and permit inspection and copying of designated books, papers,
8 documents, tangible things, or the inspection of premises, you
9 need not appear to produce the items unless the subpoena states
10 that you must appear for a deposition, hearing or trial. See
11 Rule 45 (c) (2) (A) of the Arizona Rules of Civil Procedure.

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YOUR RIGHT TO OBJECT

• The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule 45 (c)(1) of the Arizona Rules of Civil Procedure. You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. See Rule 45 (c)(2)(B) of the Arizona Rules of Civil Procedure. If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45 (d)(2) of the Arizona Rules of Civil Procedure. If you object to the subpoena in writing you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 45 (c)(2)(B) of the Arizona Rules of Civil Procedure. If you are not a party to the litigation, or an officer of a party, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45 (c)(2)(B) of the Arizona Rules of Civil Procedure. You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

1. does not provide a reasonable time for compliance;
2. requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of a court, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;
3. requires the disclosure of privileged or protected information and no waiver or exception applies; or
4. subjects you to an undue burden. See Rule 45 (c)(3)(A) of the Arizona Rules of Civil Procedure.

25 If this subpoena;

- 26 1. requires disclosure of a trade secret or other confidential research, development, or
- 27 commercial trade information; or
- 28 2. requires disclosure of an unretained expert's opinion or information not describing
- 29 specific events or occurrences in dispute and resulting from the expert's study made not
- 30 at the request of any party; or
- 31 3. equires a person who is not a party or an officer of a party to incur substantial travel
- 32 expense;

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- The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. See Rule 45 (c)(3)(B) of the Arizona Rules of Civil Procedure. A command to produce evidence or to permit inspection may be joined with a command to appear at trial, hearing or at deposition, or may be issued separately.

**REQUESTS FOR REASONABLE ACCOMODATION FOR PERSONS WITH
DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE
BY THE PARTIES AT LEAST 3 DAYS IN ADVANCE OF A SCHEDULED COURT
PROCEEDING.**