

IN THE DISTRICT COURT OF JOHNSON COUNTY, NEBRASKA

CHARLES W. HERBSTER,

Plaintiff,

vs.

JULIE SLAMA,

Defendant.

CASE NO: CI 22-27

NOTICE OF INTENT TO
ISSUE SUBPOENA DUCES
TECUM

Pursuant to authority granted in Sec. 25-1273 R.R.S. Nebraska and Nebraska Discovery Rule §6-334(A), you are hereby notified that ten (10) days after the date of the mailing of this notice, the undersigned will issue and serve the attached subpoenas on the individual(s) and/or entity(ies) indicated thereon. The items requested, person or entities served, and the time and place for production or inspection are set forth on each of the attached subpoena. Upon receipt of said documents, the undersigned will make them available for inspection and copying by counsel for any other party.

May 6, 2022.

CHARLES W. HERBSTER,
Plaintiff

By: /s/ Theodore R. Boecker, Jr.

Theodore R. Boecker, Jr., NE #20346
1045 N. 115th Street Suite 125
Omaha, Nebraska 68154
Tele: (402) 933-9500
Fax: (402) 933-7983
Email: boeckerlaw@msn.com
ATTORNEY FOR PLAINTIFF

By: /s/ David A. Warrington

David A. Warrington*
DHILLON LAW GROUP, INC.
2121 Eisenhower Avenue, Suite 402
Alexandria, VA 22314
Telephone: (571) 400-2121
Facsimile: (415) 520-6593
ATTORNEY FOR PLAINTIFF
**Pro Hac Vice*
(Lead Counsel)

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was served via electronic filing and/or sent by first class, United States mail, postage prepaid, on this the 6th day of May 2022, to the following:

Marnie A. Jensen
David A. Lopez
Husch Blackwell LLP
13330 California Street Suite 200
Omaha, Nebraska 68154

/s/ Theodore R. Boecker, Jr.

IN THE DISTRICT COURT OF JOHNSON COUNTY, NEBRASKA

CHARLES W. HERBSTER,)
)
 Plaintiff,)
)
 vs.)
)
 JULIE SLAMA,)
)
 Defendant.)

CASE NO: CI 22-27

SUBPOENA DUCES TECUM

TO: Husch Blackwell, LLP
Attn: Managing Partner or Highest Ranking Officer
13330 California Street
Suite 200
Omaha, NE 68154

Pursuant to authority granted in Sec. 25-1273 R.R.S. Nebraska and Neb. Ct. R. Disc. § 6-334(A), **YOU ARE HEREBY COMMANDED** to appear before, or mail photocopies of the below listed records to Theodore R. Boecker, Jr., Boecker Law, P.C., L.L.O., 1045 N. 115th Street, Suite 125, Omaha, Nebraska, 68154, a law firm within the State of Nebraska, on or before 5:00 o'clock p.m. on the 1st day of June 2022, in the above-captioned matter. **YOU ARE FURTHER COMMANDED** to have and bring with you, or mail, the following records in your possession including, but not limited to:

1. Copies of any and all communication by and between Hal Daub and any member of Husch Blackwell concerning potential representation of Charles W. Herbster, Conklin Company, or Herbster Angus Farms including, but not limited to, any communication, memos, or other writings transferred to or received from Kyle Gilster, Dave Lopez, Ashley Inbau, or any other member of the Firm.
2. Copies of any and all documents which you contend reflect a disclosure of any actual or potential conflicts of interest delivered to Charles W. Herbster, Herbster Angus Farms, or Conklin Company.

3. Copies of any and all communication including emails transmitted to or received from Wiley Rein LLP Law Firm or any attorneys associated therewith, including but not limited to, Michael Toner, concerning the representation, or potential representation of Conklin Company, Charles W. Herbster, or Herbster Angus Farms.
4. Copies of any and all documents reflecting any disclosures of conflicts of interest presented by virtue of the representation of Conklin Company, Charles W. Herbster, or Herbster Angus Farms delivered to Jim Pillen, or any of his affiliates, including the Pillen Campaign for Governor.
5. Copies of any and all documents reflecting any disclosures of conflicts of interest presented by virtue of the representation of Conklin Company, Charles W. Herbster, or Herbster Angus Farms delivered to Julie Slama.
6. Copies of any and all communication transmitted to or received from the organizers of the persons or entities utilizing the website known as "HerbsterVictimWitnessFund.com".
7. Copies of any and all organizational documents for any entity associated with "HerbsterVictimWitnessFund.com".
8. Copies of any communication concerning any solicitation or communications regarding payment or reimbursement of legal fees associated with "HerbsterVictimWitnessFund.com", or any persons or entities organizing the fund.
9. Copies of any and all communication with any third parties regarding solicitation, letters associated with "HerbsterVictimWitnessFund.com", or the organizers thereof including, but not necessarily limited to, any communication transmitted to or received from Jessica Flanagan or Axiom Strategies.
10. Copies of any and all communication transmitted to or received from, including records of donations, to the "HerbsterVictimWitnessFund.com".
11. Copies of any and all documents evidencing deposits into any trust account associated with any monies transmitted by persons or entities associated with "HerbsterVictimWitnessFund.com".
12. Copies of any and all billings, or communication seeking reimbursement of billings, submitted to any person or organizer of "HerbsterVictimWitnessFund.com".
13. Copies of any and all documents reflecting the transmittal of the document attached hereto as Exhibit "A" to any other person or entity, including members of the press or media.
14. Copies of any and all documents reflecting the transmittal of the document attached hereto as Exhibit "B" to any other person or entity, including members of the press or media.
15. Copies of any and all communication transmitted to or received from any member or representative of the media concerning Charles W. Herbster.

16. Copies of any document reflecting authorization of Defendant to publish Ex. A or B.

A copy of Rule 6-334(A) is attached to this subpoena in compliance with Neb. Ct. R. Disc. § 6-334(A). The parties have been given at least ten (10) days' notice of the issuance of this subpoena and the period for objection has elapsed or any objections have been resolved.

Name of Party/Attorney

Date Notice Sent or Waived

Marnie A. Jensen
David A. Lopez
Husch Blackwell LLP
13330 California Street Suite 200
Omaha, Nebraska 68154

May 6th, 2022

I have hereby issued this Subpoena pursuant to authority granted in Section 25-1273 R.R.S. Nebraska on _____, 2022 by certified mail return receipt requested.

CHARLES W. HERBSTER,
Plaintiff

By: /s/ Theodore R. Boecker, Jr.

Theodore R. Boecker, Jr., NE #20346
1045 N. 115th Street Suite 125
Omaha, Nebraska 68154
Tele: (402) 933-9500
Fax: (402) 933-7983
Email: boeckerlaw@msn.com

By: /s/ David A. Warrington

David A. Warrington*
DHILLON LAW GROUP, INC.
2121 Eisenhower Avenue, Suite 402
Alexandria, VA 22314
Telephone: (571) 400-2121
Facsimile: (415) 520-6593
ATTORNEY FOR PLAINTIFF
**Pro Hac Vice*
(Lead Counsel)

From: Lopez, Dave <Dave.Lopez@huschblackwell.com>
Sent: Thursday, May 5, 2022 5:09 PM
To: Lopez, Dave <Dave.Lopez@huschblackwell.com>
Cc: Jensen, Marnie <Marnie.Jensen@huschblackwell.com>
Subject: [EXTERNAL] STATEMENT FROM SENATOR JULIE SLAMA AND COUNSEL

The following statement can be attributed to Senator Julie Slama:

I am appalled at Charles Herbster's blatant disregard of Nebraska's judicial process. Charles Herbster sexually assaulted me and then sued me for telling the truth, but now he refuses to actually show up for his own deposition. I look forward to holding Herbster accountable through the judicial process.

The following statement can be attributed to Dave Lopez, litigation counsel for Senator Julie Slama:

Charles Herbster was served with a proper notice to appear at the Johnson County Courthouse for his deposition eleven days in advance. Notwithstanding this legal obligation, Herbster has confirmed he will not appear. Nebraska's court rules for civil discovery provide for sanctions against parties who fail to appear at properly noticed depositions.

The court filings made today by Herbster's lawyers contain misstatements of fact or plain misapplications of law. We have already responded and will make a more comprehensive response to these improper and inflammatory claims in due course and will continue to vigorously represent Senator Slama. Charles Herbster is not entitled to deprive Senator Slama of the counsel of her choice.

A copy of our objection filing of today is attached.

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Dave Lopez
Partner

HUSCH BLACKWELL LLP
13330 California Street,
Suite 200
Omaha, NE 68154-5241

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Fax: 402-964-5050
Dave.Lopez@huschblackwell.com
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vBio|vCard



Husch Blackwell is redefining partnership and client service. With 800+ lawyers in 25 offices across the United States, including [The Link](#) virtual office, we are a national law firm with a coast-to-coast footprint focused on tackling the most complex business challenges.

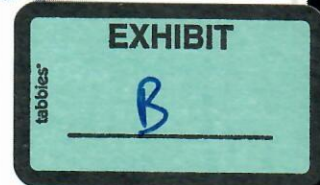


Dave Lopez

To: Dave Lopez >

6:18 PM

STATEMENT ON BEHALF OF SENATOR JULIE SLAMA



The following statement can be attributed to Dave Lopez, litigation counsel for Senator Julie Slama:

We are aware of media reports of a purported lawsuit by Charles Herbster against Senator Julie Slama. Senator Slama has not been served with any such lawsuit. If and when she is, we will review it and respond in due course.

To be sure, any claim that calls into question Senator Slama's well-corroborated account of her sexual assault by Charles Herbster would be categorically without merit and frivolous. Senator Slama will vigorously defend herself against any such lawsuit. Charles Herbster will be subject to the full scope of civil discovery if he proceeds with any legal attack against Senator Slama.

Senator Slama will stand strong against any attempt to weaponize the judicial process to scare victims from coming forward to share the truth.

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Certificate of Service

I hereby certify that on Monday, May 09, 2022 I provided a true and correct copy of the Notice-Intent Subpoena/Subpoena Duces Tecum to the following:

Slama,Julie, represented by Marnie Jensen (Bar Number: 22380) service method:
Electronic Service to marnie.jensen@huschblackwell.com

Slama,Julie, represented by David A. Lopez (Bar Number: 24947) service method:
Electronic Service to dave.lopez@huschblackwell.com

Signature: /s/ Theodore Boecker (Bar Number: 20346)