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*Special Assistant Attorneys General for Defendants*  
*Additional Counsel of Record Listed on Signature Page*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B. and NOAH F. by their next friend Michelle McAllister; KYLIE R. and ALEC R. by their next friend Kathleen Megill Strek; UNIQUE L. by her next friend Annette Smith; SIMON S. by his next friend Paul Aubry; RUTH T. by her next friend Michelle Bartov; BERNARD C. by his next friend Ksen Murry; NAOMI B. by her next friend Kathleen Megill Strek; and NORMAN N. by his next friend Tracy Gregg, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

TINA KOTEK, Governor of Oregon in her official capacity; FARIBORZ PAKSERESHT, Director, Oregon Department of Human Services in his official capacity; APRILLE FLINT-GERNER, Director, Child Welfare in her official capacity; and OREGON DEPARTMENT OF HUMAN SERVICES,

Defendants.

Case No. 6:19-cv-00556-AA

**NOTICE OF SUBPOENA DUCES  
TECUM TO SARA GELSER BLOUIN**

PLEASE TAKE NOTICE that, pursuant to and in accordance with Rule 45 of the Federal Rules of Civil Procedure, defendants by their attorneys hereby give notice of the service of a subpoena duces tecum to Sara Gelser Blouin. The subpoena commands Ms. Gelser Blouin to respond to the following requests for the production of documents identified in Attachment A hereto by **May 10, 2024 at 9:00 A.M. PST**. Defendants further request that Ms. Gelser Blouin produce for inspection and copy those documents or objects that are described in Attachment A hereto by delivering such documents or objects to Markowitz Herbold, 1455 SW Broadway, Suite 1900, Portland, OR 97201, or another mutually acceptable location.

DATED: April 24, 2024.

ELLEN ROSENBLUM  
ATTORNEY GENERAL  
FOR THE STATE OF OREGON

*/s/ Adele J. Ridenour*

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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the  
District of Oregon

Wyatt B., et al.

Plaintiff

v.

Tina Kotek, et al.

Defendant

Civil Action No. 6:19-cv-00556-AA

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

To: Sara Gelser Blouin  
900 Court Street NE, S-211, Salem, OR 97301

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment A.

Place: Markowitz Herbold PC 1455 SW Broadway, Suite 1900 Portland, OR 97201	Date and Time:  05/10/2024 at 9:00 a.m.
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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 following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

*Adele J. Ridenour*  
Attorney's signature

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

Tina Kotek, et al., who issues or requests this subpoena, are:

Adele J. Ridenour, Markowitz Herbold PC, 1455 SW Broadway, Suite 1900, Portland, Oregon 97201;  
AdeleRidenour@MarkowitzHerbold.com: (503) 295-3085

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 6:19-cv-00556-AA

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* Sara Gelser Blouin  
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 the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ 102.65 .

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), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

- (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.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

**(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**Attachment A To Subpoena Duces Tecum to Sara Gelsner Blouin**

**DEFINITIONS AND INSTRUCTIONS**

1. As used in this request, the following terms are defined as follows:
  - a. “Action” refers to the lawsuit entitled *Wyatt B., et al. v. Kotek, et al.*, Case No. 6:19-cv-00556, U.S. District Court for the District of Oregon Eugene Division.
  - b. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside the scope.
  - c. “Any” shall be construed to include “all,” and “all” shall be understood to include “any.”
  - d. “Communications” includes without limitation oral conversations, text messages, written correspondence, memoranda, telephone conversations, voicemails, notes of oral conversations (including without limitation telephone and video conversations, including those conducted over Microsoft Teams and/or Zoom), and electronic mail, whether as a sender, recipient, carbon copied (“CC”), or blind carbon copied (“BCC”), and whether sent from a personal email address or an official state legislative email address.
  - e. “Documents” means all paper and electronic information of any kind, including Communications, originals, drafts, copies, and electronically stored information (“ESI”), as well as written notes, memoranda, or other records memorializing Communications.
  - f. “Related to” means concerning, referring to, pertaining to, consisting of, containing, describing, evidencing, constituting, reflecting, bearing upon or having any logical or factual connection with the subject matter dealt with or alluded to in the subparagraphs of these requests.

g. “Responsive Time Period” means or refers to January 1, 2015 to present.

h. “You” or “Your” refers to the person to whom this subpoena duces tecum is directed, Sara Gelser Blouin, and her legislative staff, employees, and agents. The term “You” or “Your” does not refer to Sara Gelser Blouin, her legislative staff, employees, and agents in circumstances related to her duties in conducting the public’s business as an Oregon state senator.

2. This request requires production of documents or things that are in Your possession, custody, or control, and documents or things that are in the possession, custody, or control of Your agents, attorneys, employers, representatives, or other persons who have documents deemed to be in Your possession, custody, or control.

3. If documents existed that were responsive to any of these requests, but You contend that such documents no longer exist or are not within your possession, custody, or control, then do the following with respect to each and every document:

a. Describe the nature of the document, in sufficient particularity to identify it and to enable You to identify or disclose it in response to an order of the court, including the date and subject matter of such document;

b. Identify the person(s) who prepared the document;

c. Identify the person(s) who sent and received the original and a copy of the document, or to whom the document was circulated, or its contents communicated or disclosed; and

d. State the circumstances which prevent production of the document.

4. File folders, complete with tabs or labels, are to be produced for each file folder in your files from which documents are produced in response to this discovery request. The file folders shall be produced intact with the documents produced therefrom.

5. Words in the singular include their plural meaning, and vice versa. The past tense includes the present tense where the clear meaning is not distorted by a change of tense, and words used in the masculine gender shall include the feminine gender and vice versa.

6. References to persons and other entities include their agents, employees, officers, directors, affiliated entities and companies, predecessors, successors, accountants, attorneys, and representatives.

7. Unless otherwise specifically stated, all requests call for production of documents prepared, received, or dated at any time prior to and including the date of production.

8. If a document is withheld or redacted due to privilege, include a privilege log that (1) states the reason(s) You are refusing to produce the document, and (2) describes the author(s), recipient(s), date, and subject matter of the document in enough detail so that a determination can be made about the applicability of the claim of privilege or other reason for refusing to produce the document.

Defendants reserve the right to request additional documents in native format if it is determined the document is not readable or usable in a .tiff format.

### **DOCUMENT REQUESTS**

**REQUEST NO. 1:** All Communications between you and the named plaintiffs in this Action (a copy of which is attached here as Exhibit A) within the Responsive Time Period, including all Documents evidencing communications between you and the named plaintiffs in this Action.

**RESPONSE:**

**REQUEST NO. 2:** All Documents exchanged between you and the named plaintiffs in this Action within the Responsive Time Period.

**RESPONSE:**



**REQUEST NO. 3:** All Communications between you and the Next Friends as named in this Action, Michelle McAllister, Kathleen Megill Strek, Annette Smith, Paul Aubry, Michelle Bartov, Ksen Murry, and Tracy Gregg within the Responsive Time Period, including all Documents evidencing communications between you and the named Next Friends in this Action.

**RESPONSE:**

**REQUEST NO. 4:** All Documents exchanged between you and the Next Friends as named in this Action, Michelle McAllister, Kathleen Megill Strek, Annette Smith, Paul Aubry, Michelle Bartov, Ksen Murry, and Tracy Gregg, within the Responsive Time Period.

**RESPONSE:**

**REQUEST NO. 5:** All Communications between you and counsel for plaintiffs in this Action, including all Documents evidencing Communications between you and counsel for Plaintiffs in this Action within the Responsive Time Period. For purposes of clarity, “counsel for plaintiffs” includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of A Better Childhood, including but not limited to Marcia Robinson Lowry, Anastasia Benedetto, and/or Dawn Post;
- Attorneys, paralegals, and/or legal support staff of Davis Wright Tremaine, LLC, including but not limited to Gregory Chaimov, P. Andrew McStay, Jr., William (“Bill”) D. Miner, and/or Paul Southwick;
- Attorneys, paralegals, and/or legal support staff of Disability Rights Oregon, including but not limited to Thomas (“Tom”) Stenson and/or Emily Cooper;

- Attorneys, paralegals, and/or legal support staff of Rizzo Bosworth Eraut, PC, including but not limited to Steven Rizzo and/or Mary D. Skjelset; and/or
- Attorneys, paralegals, and/or legal support staff of Paul Southwick Law, LLC

**RESPONSE:**

**REQUEST NO. 6:** All Communications between you and any of the following individuals regarding this Action or Oregon Department of Human Services, Child Welfare Division within the Responsive Time Period:

- Anna Abraham, Citizens Review Board Field Manager
- Paul Aubry, Attorney at Law
- Dr. Angelique Day, MSW,
- Dr. Roxanne Edwinson, Mindsights,
- Dr. Anna Farina MSW, LICSW,
- Tracy Frazier, Macke Frazier Law,
- Holly Hampton,
- K.H.,
- Dr. Albyn Jones,
- Resa Kee, Court Appointed Special Advocate,
- Judah Largent, Riddell & Largent, PC,
- Caroline Moore, Law Office of Caroline Moore,
- Kari Pinard, Executive Director of CASA-Voices for Children,
- S.S.,
- Annette Smith, Public Defender Services of Lane County
- Tahra Sinks, JD,

- Lindsay Soto, JD,
- Dr. Sue D. Steib, LCSW,
- Gina Stewart, Arneson Stewart & Styarfyr PC
- Hon. Daniel J. Wren, Marion County Circuit Court (and formerly in private practice)
- Patricia Rideout

**RESPONSE:**

**REQUEST NO. 7:** All Communications between you and plaintiffs' counsel in the litigation entitled *A.R. et al. v. DHS et al.*, Oregon District Court Case No. 3:16-cv-01895-YY (hereafter "A.R. Lawsuit") about such lawsuit or the allegations made therein within the Responsive Time Period: For purposes of clarity, "counsel for plaintiffs" includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of The Oregon Law Center;
- Attorneys, paralegals, and/or legal support staff of Youth Rights & Justice.

**RESPONSE:**

**REQUEST NO. 8:** All Communications between you and the named plaintiffs in the A.R. Lawsuit including but not limited to CASA for Children, Inc. within the Responsive Time Period.

**RESPONSE:**

**REQUEST NO. 9:** All Communications between you and plaintiffs' counsel in the litigation entitled *J.M., et al. v. Karla Major, et al.*, Oregon District Court Case No. 6:18-cv-00739-YY (hereafter "J.M. Lawsuit") about such lawsuit or the allegations made

therein within the Responsive Time Period: For purposes of clarity, “counsel for plaintiffs” includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of Rizzo Bosworth Eraut, PC, including but not limited to Steven Rizzo and/or Mary D. Skjelset.

**RESPONSE:**

**REQUEST NO. 10:** All Communications and Documents exchanged between you and Lauren Dake or any other employees of Oregon Public Broadcasting regarding this Action, the A.R. Lawsuit, and/or the J.M. Lawsuit, including all Communications and Documents exchanged between you and such parties regarding any allegations made within each such case, made or exchanged within the Responsive Time Period.

**RESPONSE:**

**REQUEST NO. 11:** All Communications and Documents exchanged between you and any reporter, employee, or other staff member of The Oregonian regarding this Action, the A.R. Lawsuit, and/or the J.M. Lawsuit, including all Communications and Documents exchanged between you and such parties regarding any allegations made within each such case, made or exchanged within the Responsive Time Period.

**RESPONSE:**

**REQUEST NO. 12:** All Communications between you and Paris Hilton regarding child welfare systems, policies, placements, or any other matter associated with or otherwise relating to Oregon’s child welfare agency or systems, made or exchanged within the Responsive Time Period.

**RESPONSE:**

**REQUEST NO. 13:** All drafts of proposed witness statements, declarations, affidavits, and/or summaries of proposed testimony which you reviewed, edited, and/or approved as it relates to this Action and regardless of whether or not you are the original drafter of such Document.

**RESPONSE:**

**REQUEST NO. 14:** All notes, drafts, written memoranda or other Documents summarizing the testimony you are offering at trial in this Action, regardless of the preparer.

**RESPONSE:**

**REQUEST NO. 15:** All Documents you reviewed to prepare your testimony or otherwise refresh your recollection to testify at trial in this Action.

**RESPONSE:**

**REQUEST NO. 16:** All Documents supporting the testimony you are offering at trial in this Action.

**RESPONSE:**

**REQUEST NO. 17:** All Communications between you and the Honorable Ann Aiken made or exchanged within the Responsive Time Period regarding this Action or any other pending action in the U.S. District Court for the District of Oregon, Eugene Division.

**RESPONSE:**