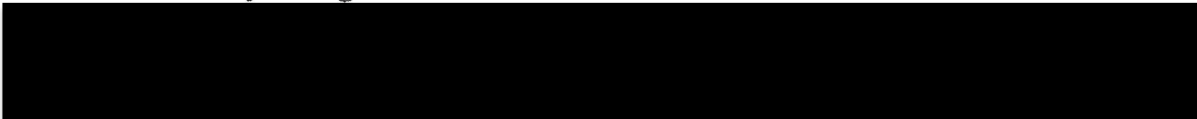


Person/Attorney Filing: THOMAS A. DENKER



Representing Self, Without an Attorney

(If Attorney) State Bar Number 016453

Attorney E-Mail Address: attorneys@mungerchadwick.com

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

JANE DOE VS. STATE OF ARIZONA ET AL.)

Case No.: **C20155325**

SUBPOENA IN A CIVIL CASE

TO: Caitlin Schmidt

(Name of Recipient)

[Select one or more of the following, as appropriate:]

For Attendance of Witnesses at Hearing or Trial

YOU ARE COMMANDED to appear in the Superior Court of the State of Arizona, in and for the County of _____, at the place, date and time specified below to testify at a hearing trial in the above cause:

Judicial Officer:

Courtroom:

Address:

Date:

Time:

For Taking of Depositions

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above cause:

Place of Deposition:

Address:

Date:

Time:

Method of Recording:

For Production of Documentary Evidence or Inspection of Premises

YOU ARE COMMANDED, to produce and permit inspection, copying, testing, or sampling of the following designated documents, electronically stored information or tangible things, or to permit the inspection of premises:

See attached Exhibit A

at the place, date, and time specified below:

Place of Production or Inspection: Munger Chadwick, P.L.C.

Address: [REDACTED]

Date: 06/07/2018

Time: 10:00 AM

Your Duties in Responding To This Subpoena

Attendance at a Trial. If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. *See* Rule 45(b)(5) and Rule 45(e)(2) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See* Rule 45(b)(3)(A) of the Arizona Rules of Civil Procedure.

Attendance at a Hearing or Deposition. If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either: (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or (2) you are not a party or a party’s officer and this subpoena commands you to travel to a place other than: (a) the county where you reside or you transact business in person; or (b) the county where you were served with the subpoena

or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order. *See* Rule 45(b)(3)(B) and Rule 45(e)(2)(A)(ii) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below.

Production of Documentary Evidence. If this subpoena commands you to produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date, and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. You may object to the production of electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense. *See* Rule 45(c)(2)(D) and (c)(5) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below. If this subpoena does not specify a form for producing electronically stored information, you may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form. *See* Rule 45(c)(2)(B) and (C) of the Arizona Rules of Civil Procedure.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. *See* Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

Inspection of Premises. If the subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 45(c)(5) of the Arizona Rules of Civil Procedure. *See also* “Your Right to Object to This Subpoena” section below.

Combined Subpoena. You should note that a command to produce certain designated materials, or to permit the inspection of premises, *may* be combined with a command to appear at a trial, hearing, or deposition. *See* Rule 45(b)(2) of the Arizona Rules of Civil Procedure. You do not, however, need to appear in person at the place of production or inspection unless the subpoena *also* states that you must appear for and give testimony at a hearing, trial or deposition. *See* Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. 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(e)(1) of the Arizona Rules of Civil Procedure.

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition. If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. *See* Rules 45(b)(5) and 45(e)(2) of the Arizona Rules of Civil Procedure. The motion must be filed in the superior court of the county in which the case is pending or in the superior court of the county from which the subpoena was issued. *See* Rule 45(e)(2)(A) and (B) of the Arizona Rules of Civil Procedure. The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *See* Rule 45(e)(2)(D) of the Arizona Rules of Civil Procedure. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena. *See* Rule 45(e)(2)(E) of the Arizona Rules of Civil Procedure. Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance. *See* Rule 45(b)(5) of the Arizona Rules of Civil Procedure.

The court *must* quash or modify a subpoena:

(1) if the subpoena does not provide a reasonable time for compliance;

(2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than: (a) the county where you reside or transact business in person; (b) the county where you were served with a subpoena, or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order; or

(3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(4) if the subpoena subjects you to undue burden.

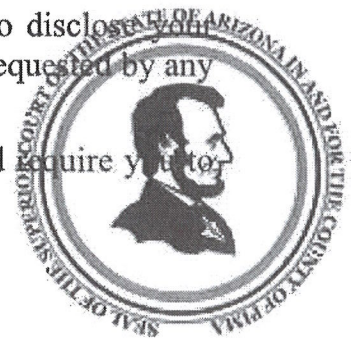
See Rule 45(e)(2)(A) of the Arizona Rules of Civil Procedure.

The court *may* quash or modify a subpoena:

(1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;

(2) if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;

(3) if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or



(4) if the court determines that justice requires the subpoena to be quashed or modified.

See Rule 45(e)(2)(B) of the Arizona Rules of Civil Procedure.

In these last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if: (1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. See Rule 45(e)(2)(C) of the Arizona Rules of Civil Procedure.

Procedure for Objecting to Subpoena for Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to: (1) producing, inspecting, copying, testing, or sampling any or all of the materials designated in the subpoena; (2) inspecting the premises; or (3) producing electronically stored information in the form or forms requested or from sources that are not reasonably accessible because of undue burden or expense. You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. See Rule 45(c)(5)(A)(i) and (ii) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and identify in writing the information, document, or electronically stored information withheld and describe the nature of that information, document, or electronically stored information in a manner that—without revealing information that is itself privileged or protected—will enable the demanding party to assess the claim. See Rules 26(b)(6)(A) and 45(c)(5)(C) 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 first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, 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)(5)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(6)(B) of the Arizona Rules of Civil Procedure.

Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena. See Rule 45(e)(2) of the Arizona Rules for Civil Procedure. The

procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."

If the subpoena *also* commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. *See* Rule 45(c)(5)(A)(iii) of the Arizona Rules of Civil Procedure. If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." *See* Rule 45(b)(5) and 45(c)(5)(A)(iii) of the Arizona Rules of Civil Procedure. Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance. *See* Rule 45(b)(5) of the Arizona Rules of Civil Procedure.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date: May 16, 2018

Toni L. Hellon
Clerk of Superior Court

By: *Alan Walker*

Deputy Clerk



EXHIBIT A

DEFINITIONS

1
2
3 1. Whenever used herein, “You” and “Your,” in addition to their common
4 meanings, shall refer to Caitlin Schmidt, to any current or former agent, employee, officer,
5 director, investigator, or attorney of Caitlin Schmidt, and/or to any partnership, corporation,
6 limited-liability company, parent, subsidiary, predecessor in interest, successor in interest, or
7 other person or entity currently or formerly affiliated in any way with Caitlin Schmidt,
8 including but not limited to the Arizona Daily Star.

9 2. Whenever used herein, the terms “and” and “or” have both conjunctive and
10 disjunctive meanings, “all” and “any” shall mean “each and every” or “in full or in part,” and
11 “including” means “including but not limited to.”

12 3. The terms “Document(s)” and “Communication(s)” include all written,
13 graphic, or recorded matter and media of every kind and description within Your possession
14 or control, or within the possession or control of any Person (as defined below) subject to
15 Your direction or control, regardless of the language of communication, if any, appearing
16 therein, however produced or reproduced, whether draft or final, original or reproduction,
17 including, but not limited to, electronic mail (“e-mail”) messages, text messages (whether
18 “SMS,” “MMS,” or otherwise), phone records, voicemails, call logs, records, letters, internal
19 memos, correspondence, memoranda, notes, films, transcripts, contracts, agreements, licenses,
20 memoranda of telephone conversations or personal conversations, microfilm, microfiche,
21 telegrams, books, magazines, advertisements, periodicals, manuals, bulletins, pamphlets,
22 statements, notices, reports, rules, regulations, directives, teletype messages, minutes of
23 meetings, synopses of meetings, inter- and intra-office communication, financial statements,
24 ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers,
25 desk calendars, appointment books, diaries, timesheets, logs, titles, sales notices, movies,
26 computer tapes, computer disks, computer data sets, computer data files, chips, any forms

1 with computer information storage or memory, records maintained in machine-readable form,
2 tapes for visual or audio reproduction, recordings, or material similar to any of the foregoing,
3 however denominated, as well as writings, drawings, graphs, charts, photographs, phone
4 records, and data-processing results, printouts and computations (both in existence and stored
5 in memory components), and other compilations from which information can be obtained or
6 translated, if necessary, through detection devices into reasonably usable form. The terms
7 "Document(s)" and "Communication(s)" also include all copies of a Document or
8 Communication, as defined in the previous sentence, that contain any additional writing,
9 underlining, notes, annotations, deletions, or any other markings or notations, or are otherwise
10 not identical copies of the original.

11 4. The terms "related to" or "relating to" shall mean directly or indirectly
12 mentioning, describing, implicating, pertaining to, being connected with, or reflecting upon a
13 stated subject.

14 5. The terms "Person" or "Persons" means any one or more natural individuals
15 and/or entities, and includes, without limitation, sole proprietorships, firms, associations,
16 companies, partnerships, joint ventures, corporations, trusts, estates, and any other legal,
17 business, governmental, or other entity. You also are a Person within this definition.

18 6. The terms "Pictures" or "Video" shall refer to any and all photographs,
19 videotapes, motion pictures, still or moving digital images, security video, and any similar
20 image, representation, or thing within Your possession or control, or within the possession or
21 control of any Person (as defined above) subject to Your direction or control, regardless of the
22 medium in or on which it appears or exists, and irrespective of whether it can be viewed or
23 observed with or without the aid of a machine, viewer, computer, camera, or otherwise.

24
25
26

1 **DOCUMENTS TO BE PRODUCED**

2 1. All Documents and Communications relating to any conversation, interview,
3 or other interaction between You and Cadigan Law Firm, P.L.L.C., Michael J. Bloom, P.C.,
4 The Carrillo Law Firm, P.L.L.C., and/or the law firm of Manly, Stewart & Finaldi, or between
5 You and any attorney(s) or other employee(s) employed by or associated with any of the
6 foregoing, specifically including but not limited to Lynne M. Cadigan, John C. Manly,
7 Jennifer E. Stein, Morgan A. Stewart, Michael J. Bloom, and/or Erin Carrillo, at any time on
8 or after April 29, 2015, particularly including but not limited to e-mails, text messages, phone
9 records, voicemails, call logs, Pictures, and Video.

10 *(See the definitions set forth on pages 7 and 8, above, for the applicable definitions of*
11 *the terms "You," "Your," "and," "or," "all," "any," "including," "Documents,"*
12 *"Communications," "related to," "relating to," "Person," "Persons," "Pictures," and*
13 *"Video.")*

14
15 2. All Documents and Communications relating to any conversation, interview,
16 or other interaction between You and Baillie Jean Gibson at any time on or after April 29,
17 2015, particularly including but not limited to e-mails, text messages, phone records,
18 voicemails, call logs, Pictures, and Video.

19 *(See the definitions set forth on pages 7 and 8, above, for the applicable definitions of*
20 *the terms "You," "Your," "and," "or," "all," "any," "including," "Documents,"*
21 *"Communications," "related to," "relating to," "Person," "Persons," "Pictures," and*
22 *"Video.")*

23
24 G:\Client\Carter, Craig\180516 Subpoena Schmidt.wpd

1 **MUNGER CHADWICK, P.L.C.**

2 [REDACTED]
3 [REDACTED]
4 John F. Munger - State Bar No. 003735/Pima County Computer No. 40996
JFMunger@MungerChadwick.com

5 Thomas A. Denker - State Bar No. 016453/Pima County Computer No. 65047
TADenker@MungerChadwick.com

6 David Ruiz - State Bar No. 030154/Pima County Computer No. 66547
DRuiz@MungerChadwick.com

7 Andrew H. Barbour - State Bar No. 030821/Pima County Computer No. 66610
AHBarbour@MungerChadwick.com

8 Zachary L. Cohen - State Bar No. 033853/Pima County Computer No. 67039
ZLCohen@MungerChadwick.com

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF PIMA**

12 JANE DOE, a single woman,

13 Plaintiff,

14 v.

15 STATE OF ARIZONA, *et al., etc.*,

16 Defendants.

17 CRAIG and JO-ANNE CARTER,

18 Counter-Plaintiffs,

19 v.

20 JANE DOE,

21 Counter-Defendant.

22 CRAIG and JO-ANNE CARTER,

23 Plaintiffs,

24 v.

25 LYNNE and JOHN DOE CADIGAN,

26 Defendants.

Case No. C20155325

**AFFIDAVIT OF COUNSEL
IN SUPPORT OF SUBPOENA TO
CAITLIN SCHMIDT**

(Assigned to: Hon. Jeffrey T. Bergin)

1 I, Thomas A. Denker, under penalty of perjury pursuant to Rule 80(c) of the Arizona
2 Rules of Civil Procedure, and pursuant to Arizona Revised Statutes section 12-2214, hereby
3 state:

4 1. That I am an attorney licensed to practice in the State of Arizona, and a partner
5 in the law firm of Munger Chadwick, PLC.

6 2. That this statement is made in support of the proposed subpoena to Caitlin
7 Schmidt, and that the documentary and evidentiary information sought from Caitlin Schmidt
8 is described in the attached Exhibit A.

9 3. That this firm has attempted to obtain each item of documentary and
10 evidentiary information from all other available sources (as identified in paragraph 4 below),
11 and has been unable to obtain all documents and communications relating to any
12 conversation, interview, or other interaction between Caitlin Schmidt and Cadigan Law Firm,
13 P.L.L.C., Michael J. Bloom, P.C., The Carrillo Law Firm, P.L.L.C., and/or the law firm of
14 Manly, Stewart & Finaldi, or between Caitlin Schmidt and any attorney(s) or other
15 employee(s) employed by or associated with any of the foregoing, specifically including but
16 not limited to Lynne M. Cadigan, John C. Manly, Jennifer E. Stein, Morgan A. Stewart,
17 Michael J. Bloom, and/or Erin Carrillo (each of whom is or has served as an attorney for
18 plaintiff Baillie Jean Gibson), at any time on or after April 29, 2015, particularly including but
19 not limited to e-mails, text messages, phone records, voicemails, call logs, Pictures, and
20 Video.

21 4. That this firm has attempted to obtain the documentary and evidentiary
22 information from plaintiff Baillie Jean Gibson and any trust, partnership, corporation, limited-
23 liability company, or similar entity of which Baillie Jean Gibson is a beneficiary, a trustee, a
24 settlor, an owner, a shareholder, a member, or in any other way a legal or equitable interest-
25 holder, as well from as any attorneys, agents, investigators, principals, officers, directors,
26

1 employees, and other representatives of any of the foregoing, and has been unable to obtain
2 the documentary and evidentiary information that is now sought from Caitlin Schmidt.

3 5. That the documentary and evidentiary information sought from Caitlin
4 Schmidt is relevant and material to the Carters' claims and defenses.

5 6. That the documentary and evidentiary information sought from Caitlin
6 Schmidt is not protected by any lawful privilege.

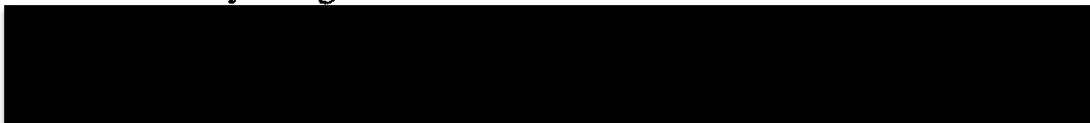
7 7. That the subpoena is not intended to interfere with the gathering, writing,
8 editing, publishing, broadcasting, and disseminating of news to the public as protected by the
9 First Amendment, Constitution of the United States, or by Article II, Section 6, of the
10 Constitution of Arizona.

11 DATED this 16th day of May, 2018.

12
13
14 /s/ Thomas A. Denker
15 Thomas A. Denker

16 Attorney for Mr. and Mrs. Carter
17
18
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20
21
22
23
24
25
26

Person/Attorney Filing: THOMAS A. DENKER



Representing Self, Without an Attorney

(If Attorney) State Bar Number 016453

Attorney E-Mail Address: attorneys@mungerchadwick.com

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

JANE DOE VS. STATE OF ARIZONA ET)
AL.)

Case No.: **G20155325**

SUBPOENA IN A CIVIL CASE

TO: Arizona Daily Star
(Name of Recipient)

[Select one or more of the following, as appropriate:]

For Attendance of Witnesses at Hearing or Trial

YOU ARE COMMANDED to appear in the Superior Court of the State of Arizona, in and for the County of _____, at the place, date and time specified below to testify at a hearing trial in the above cause:

Judicial Officer:

Courtroom:

Address:

Date:

Time:

For Taking of Depositions

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above cause:

Place of Deposition:

Address:

Date:

Time:

Method of Recording:

For Production of Documentary Evidence or Inspection of Premises

YOU ARE COMMANDED, to produce and permit inspection, copying, testing, or sampling of the following designated documents, electronically stored information or tangible things, or to permit the inspection of premises:

See attached Exhibit A

at the place, date, and time specified below:

Place of Production or Inspection: Munger Chadwick, P.L.C.

Address: [REDACTED]

Date: 06/07/2018

Time: 10:00 AM

Your Duties in Responding To This Subpoena

Attendance at a Trial. If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. *See* Rule 45(b)(5) and Rule 45(e)(2) of the Arizona Rules of Civil Procedure. *See also* "Your Right To Object To This Subpoena" section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See* Rule 45(b)(3)(A) of the Arizona Rules of Civil Procedure.

Attendance at a Hearing or Deposition. If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either: (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than: (a) the county where you reside or you transact business in person; or (b) the county where you were served with the subpoena

or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order. *See* Rule 45(b)(3)(B) and Rule 45(e)(2)(A)(ii) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below.

Production of Documentary Evidence. If this subpoena commands you to produce and permit inspection, copying, testing, or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date, and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. You may object to the production of electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense. *See* Rule 45(c)(2)(D) and (c)(5) of the Arizona Rules of Civil Procedure. *See also* “Your Right To Object To This Subpoena” section below. If this subpoena does not specify a form for producing electronically stored information, you may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form. *See* Rule 45(c)(2)(B) and (C) of the Arizona Rules of Civil Procedure.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. *See* Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

Inspection of Premises. If the subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 45(c)(5) of the Arizona Rules of Civil Procedure. *See also* “Your Right to Object to This Subpoena” section below.

Combined Subpoena. You should note that a command to produce certain designated materials, or to permit the inspection of premises, *may* be combined with a command to appear at a trial, hearing, or deposition. *See* Rule 45(b)(2) of the Arizona Rules of Civil Procedure. You do not, however, need to appear in person at the place of production or inspection unless the subpoena *also* states that you must appear for and give testimony at a hearing, trial or deposition. *See* Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. 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(e)(1) of the Arizona Rules of Civil Procedure.

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition. If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. *See* Rules 45(b)(5) and 45(e)(2) of the Arizona Rules of Civil Procedure. The motion must be filed in the superior court of the county in which the case is pending or in the superior court of the county from which the subpoena was issued. *See* Rule 45(e)(2)(A) and (B) of the Arizona Rules of Civil Procedure. The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *See* Rule 45(e)(2)(D) of the Arizona Rules of Civil Procedure. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena. *See* Rule 45(e)(2)(E) of the Arizona Rules of Civil Procedure. Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance. *See* Rule 45(b)(5) of the Arizona Rules of Civil Procedure.

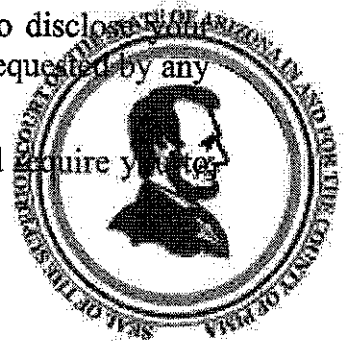
The court *must* quash or modify a subpoena:

- (1) if the subpoena does not provide a reasonable time for compliance;
- (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than: (a) the county where you reside or transact business in person; (b) the county where you were served with a subpoena, or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order; or
- (3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) if the subpoena subjects you to undue burden.

See Rule 45(e)(2)(A) of the Arizona Rules of Civil Procedure.

The court *may* quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- (2) if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
- (3) if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or



(4) if the court determines that justice requires the subpoena to be quashed or modified.

See Rule 45(e)(2)(B) of the Arizona Rules of Civil Procedure.

In these last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if: (1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. See Rule 45(e)(2)(C) of the Arizona Rules of Civil Procedure.

Procedure for Objecting to Subpoena for Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to: (1) producing, inspecting, copying, testing, or sampling any or all of the materials designated in the subpoena; (2) inspecting the premises; or (3) producing electronically stored information in the form or forms requested or from sources that are not reasonably accessible because of undue burden or expense. You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. See Rule 45(c)(5)(A)(i) and (ii) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and identify in writing the information, document, or electronically stored information withheld and describe the nature of that information, document, or electronically stored information in a manner that—without revealing information that is itself privileged or protected—will enable the demanding party to assess the claim. See Rules 26(b)(6)(A) and 45(c)(5)(C) 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 first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, 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)(5)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(6)(B) of the Arizona Rules of Civil Procedure.

Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena. See Rule 45(e)(2) of the Arizona Rules for Civil Procedure. The

procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."

If the subpoena *also* commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. *See* Rule 45(c)(5)(A)(iii) of the Arizona Rules of Civil Procedure. If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." *See* Rule 45(b)(5) and 45(c)(5)(A)(iii) of the Arizona Rules of Civil Procedure. Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance. *See* Rule 45(b)(5) of the Arizona Rules of Civil Procedure.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date: May 16, 2018

Toni L. Hellon
Clerk of Superior Court

By: *Alan Walker*

Deputy Clerk

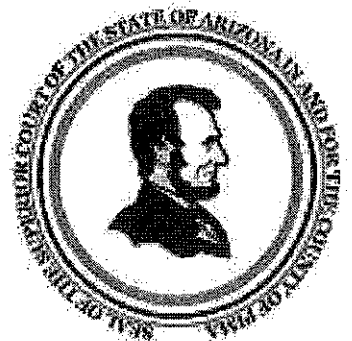


EXHIBIT A

DEFINITIONS

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3 1. Whenever used herein, "You" and "Your," in addition to their common
4 meanings, shall refer to the Arizona Daily Star, to any current or former agent, employee,
5 officer, director, investigator, or attorney of the Arizona Daily Star, and/or to any partnership,
6 corporation, limited-liability company, parent, subsidiary, predecessor in interest, successor in
7 interest, or other person or entity currently or formerly affiliated in any way with the Arizona
8 Daily Star.

9 2. Whenever used herein, the terms "and" and "or" have both conjunctive and
10 disjunctive meanings, "all" and "any" shall mean "each and every" or "in full or in part," and
11 "including" means "including but not limited to."

12 3. The terms "Document(s)" and "Communication(s)" include all written,
13 graphic, or recorded matter and media of every kind and description within Your possession
14 or control, or within the possession or control of any Person (as defined below) subject to
15 Your direction or control, regardless of the language of communication, if any, appearing
16 therein, however produced or reproduced, whether draft or final, original or reproduction,
17 including, but not limited to, electronic mail ("e-mail") messages, text messages (whether
18 "SMS," "MMS," or otherwise), phone records, voicemails, call logs, records, letters, internal
19 memos, correspondence, memoranda, notes, films, transcripts, contracts, agreements, licenses,
20 memoranda of telephone conversations or personal conversations, microfilm, microfiche,
21 telegrams, books, magazines, advertisements, periodicals, manuals, bulletins, pamphlets,
22 statements, notices, reports, rules, regulations, directives, teletype messages, minutes of
23 meetings, synopses of meetings, inter- and intra-office communication, financial statements,
24 ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers,
25 desk calendars, appointment books, diaries, timesheets, logs, titles, sales notices, movies,
26 computer tapes, computer disks, computer data sets, computer data files, chips, any forms

1 with computer information storage or memory, records maintained in machine-readable form,
2 tapes for visual or audio reproduction, recordings, or material similar to any of the foregoing,
3 however denominated, as well as writings, drawings, graphs, charts, photographs, phone
4 records, and data-processing results, printouts and computations (both in existence and stored
5 in memory components), and other compilations from which information can be obtained or
6 translated, if necessary, through detection devices into reasonably usable form. The terms
7 "Document(s)" and "Communication(s)" also include all copies of a Document or
8 Communication, as defined in the previous sentence, that contain any additional writing,
9 underlining, notes, annotations, deletions, or any other markings or notations, or are otherwise
10 not identical copies of the original.

11 4. The terms "related to" or "relating to" shall mean directly or indirectly
12 mentioning, describing, implicating, pertaining to, being connected with, or reflecting upon a
13 stated subject.

14 5. The terms "Person" or "Persons" means any one or more natural individuals
15 and/or entities, and includes, without limitation, sole proprietorships, firms, associations,
16 companies, partnerships, joint ventures, corporations, trusts, estates, and any other legal,
17 business, governmental, or other entity. You also are a Person within this definition.

18 6. The terms "Pictures" or "Video" shall refer to any and all photographs,
19 videotapes, motion pictures, still or moving digital images, security video, and any similar
20 image, representation, or thing within Your possession or control, or within the possession or
21 control of any Person (as defined above) subject to Your direction or control, regardless of the
22 medium in or on which it appears or exists, and irrespective of whether it can be viewed or
23 observed with or without the aid of a machine, viewer, computer, camera, or otherwise.

24
25
26

1 **DOCUMENTS TO BE PRODUCED**

2 1. All Documents and Communications relating to any conversation, interview,
3 or other interaction between You and Cadigan Law Firm, P.L.L.C., Michael J. Bloom, P.C.,
4 The Carrillo Law Firm, P.L.L.C., and/or the law firm of Manly, Stewart & Finaldi, or between
5 You and any attorney(s) or other employee(s) employed by or associated with any of the
6 foregoing, specifically including but not limited to Lynne M. Cadigan, John C. Manly,
7 Jennifer E. Stein, Morgan A. Stewart, Michael J. Bloom, and/or Erin Carrillo, at any time on
8 or after April 29, 2015, particularly including but not limited to e-mails, text messages, phone
9 records, voicemails, call logs, Pictures, and Video.

10 *(See the definitions set forth on pages 7 and 8, above, for the applicable definitions of*
11 *the terms "You," "Your," "and," "or," "all," "any," "including," "Documents,"*
12 *"Communications," "related to," "relating to," "Person," "Persons," "Pictures," and*
13 *"Video.")*

14
15 2. All Documents and Communications relating to any conversation, interview,
16 or other interaction between You and Baillie Jean Gibson at any time on or after April 29,
17 2015, particularly including but not limited to e-mails, text messages, phone records,
18 voicemails, call logs, Pictures, and Video.

19 *(See the definitions set forth on pages 7 and 8, above, for the applicable definitions of*
20 *the terms "You," "Your," "and," "or," "all," "any," "including," "Documents,"*
21 *"Communications," "related to," "relating to," "Person," "Persons," "Pictures," and*
22 *"Video.")*