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AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Edelson PC)

Plaintiff)

v.)

Bandas Law Firm PC, et al)

Defendant)

Civil Action No. 1:16-cv-11057

(If the action is pending in another district, state where:)

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

To: First Community Bank, 416 North Water Street, Corpus Christi, Texas, 78401

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

Place: Clerk, U.S. District Court
1133 N Shoreline Blvd
Corpus Christi, Texas 78401

Date and Time:
August 27, 2018 5:00 pm

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:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: Aug. 8, 2018

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Edelson PC, who issues or requests this subpoena, are: Alexander G. Tievsky; 350 N LaSalle Street, 14th Floor, Chicago, IL 60654; atievsky@edelson.com; 312-589-6379

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Civil Action No. 1:16-cv-11057

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)*
was received by me 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 fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.

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), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(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 issuing court 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 issuing court 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 issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(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 issuing court may, on motion, quash or modify the subpoena if it requires:

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

(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; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

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

(d) 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 to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

EDELSON PC, an Illinois professional corporation,
individually, and on behalf of all others similarly
situated,

Plaintiff,

v.

THE BANDAS LAW FIRM PC, a Texas professional
corporation, CHRISTOPHER BANDAS, an individual,
LAW OFFICES OF DARRELL PALMER PC d/b/a
DARRELL PALMER LAW OFFICE, a suspended
California professional corporation, JOSEPH
DARRELL PALMER, an individual, NOONAN
PERILLO & THUT LTD., an Illinois corporation, C.
JEFFERY THUT, an individual, GARY STEWART,
an individual, and JOHN DOES 1-20,

Defendants.

Case No. 1:16-cv-11057

**Rider to Subpoena to
First Community Bank**

Pursuant to Federal Rule of Civil Procedure 45, **First Community Bank** is commanded to cause to be delivered all of the following documents that are in his possession, custody, or control, including documents in the possession, custody, or control of his agents, attorneys, or employees, by August 24, 2018 at 5:00 p.m. to one of the following:

Alexander G. Tievsky
Edelson PC
350 N LaSalle Street, 14th Floor
Chicago, Illinois 60654
atievsky@edelson.com

Clerk, U.S. District Court
1133 N Shoreline Blvd.
Corpus Christi, Texas 78401

Please call Alexander G. Tievsky at 312-589-6379 immediately upon receipt to discuss production of documents.

I. DEFINITIONS

1. “Bandas Account” means or refers to any and all transactional accounts owned by Bandas Law Firm PC or Christopher Bandas, Including account number 0041092.

2. “Computer” or “Computer Equipment” means or refers to all data processing equipment, Including central processing units (CPUs), whether contained in a server or free standing computer or laptop or PDA or similar device that may contain data storage capabilities, irrespective of whether such computing platform, infrastructure or storage is virtualized, whether that data be structured or unstructured, and also Including any equipment where computer files (Including without limitation, records, Documents, logs, and any other contiguous or noncontiguous bit strings), hidden system files or metadata presently reside such as hard disk drives, optical disk drives, removable media, such as floppy disk drives, CD-ROM and DVD drives, Zip drives, Jaz drives, Maxtor drives or snap drives, data processing cards, computer magnetic tapes, backup tapes, drum and disk storage devices or any other similar electronic storage Media or system of whatever name or description. “Computer” or “Computer Equipment” also means all digital image evidence that may be stored on any type of hardware used to store or manipulate electronic images, Including microfilm, microfiche and their repositories and readers, or design or engineering Computer systems and regardless of any digital image’s format, Including .jpg, .bmp, or some other advanced or proprietary form of digital image format, such as CAD layered drawings. “Computer” or “Computer Equipment” also refers to sources of digital evidence that may not presently be in use by You or may have been deleted from Your active systems, whether the source is a backup tape or disk, some other data retention system or some form of disaster recovery system. “Computer” or “Computer Equipment” also refers to places where digital evidence may reside that may have been deleted from Your active files and which may not be readily recoverable from a backup medium, such as metadata.

3. “Document” or “Documents” Includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, Including ESI stored in any medium from which information can be obtained.

4. “Electronically Stored Information” or “ESI” means or refers to Computer generated information or data, of any kind, stored on Computers, file servers, disks, tape or other devices or Media, or otherwise evidenced by recording on some storage media, whether real, virtual, or cloud-based.

5. “Including” means “including, but not limited to;” “Includes” means “includes, but not limited to.”

6. “Involving” when applied to a financial transaction Includes any person who sent funds, received funds, initiated a wire transfer, authorized a wire transfer, received a wire transfer, signed an instrument, authorized an instrument, or negotiated an instrument.

7. “Metadata” means and refers to the information embedded in a native file or other data that is not ordinarily viewable or printable from the application that generated, edited, or modified such native file which describes the characteristics, origins, usage and validity of the electronic file as well as information generated automatically by the operation of a computer or other information technology system when a native file is created, modified, transmitted, deleted or otherwise manipulated by a user of such system.

8. “Native Data Format” means or refers to the format of ESI, whether structured or unstructured, in which it was generated and as used by the producing party in the usual course of its business and in its regularly conducted activities.

9. “Relating,” “Relating To,” or “Relate” means discussing, mentioning, addressing, referring to, analyzing, comprising, underlying, memorializing, describing, or showing the subject indicated.

II. INSTRUCTIONS

1. Unless otherwise specified, the relevant time period for these requests is January 1, 2008 through the present. If any request is objected to on the basis that the time period covered by the request is irrelevant, burdensome, or otherwise inappropriate, state what time period You consider proper for that request and answer the request for that time period, preserving Your objection to the remainder of the time period.

3. All Documents, ESI, file systems, and digital media are to be produced in their respective Native Format with all associated Metadata intact and, if such electronic Documents or ESI are no longer available in their Native Formats for any reason, please identify the reasons such Native Format Documents are no longer so available and the dates each such Document became unavailable.

4. Documents are to be produced in the form, order, and manner in which they are maintained in Your files. Documents are to be produced in the folders, cartons, or containers in which they have been maintained, stored, clipped, stapled, or otherwise arranged in the same form and manner in which they were found and in such a manner that the office and location from which they were produced is readily identifiable. Whenever a Document or group of Documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, attach thereto a copy of the label on the file folder, file box, or notebook from which the Document or group of Documents was removed.

5. If any Document requested has been lost or destroyed since its creation, identify the nature of the Document (e.g. letter, email, etc.), the date of the Document, the persons who sent and received the original, any copy of the Document, and a summary of the content of the Document, and describe when, where, how, and by whom said Document was lost or destroyed, and state the name of the person(s) who last had custody thereof.

6. If, in responding to these requests, You encounter any ambiguity in construing either the request or any instruction relevant to the request, You should nonetheless respond to the request, set forth the matter deemed ambiguous, and set forth the construction used in responding to the request.

7. If You claim privilege as grounds for failing to produce any document requested:

- (i) Identify the author or originator of the Document, the date authored or originated, the identity of each person to whom an original or a copy was addressed or delivered, the identity of each person known or reasonably believed by You to have present possession, custody, or control thereof;
- (ii) Discuss the factual basis for Your claim of privilege in sufficient detail to permit the court to adjudicate the validity of that claim; and
- (iii) Produce so much of each such Document that does not contain privileged information.

8. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside of the scope. Singular and plural words should be read so as to broaden their meaning and bring within the scope of these requests any information that might otherwise be construed to be outside their scope.

9. Attachments. Email attachments and embedded files must be mapped to their parent by the Document or production number. If attachments and embedded files are combined with their parent documents, then “BeginAttach” and “EndAttach” fields listing the unique beginning and end number for each attachment or embedded document must be included.

10. For any term used herein, which is not otherwise specifically defined, the common and usual meaning of such term is intended. Any ambiguity in these requests shall be resolved so as to construe these requests as broadly as possible.

III. DOCUMENTS REQUESTED

All Documents Related To any transfer of funds to or from any Bandas Account Involving any of the following persons:

1. Aaron Petrus
2. Aaron Van Oort
3. Abbas Kazerounian
4. Alan Barinholtz
5. Albert H. Kirby
6. Alejandro Caffarelli
7. Alexander H. Burke
8. Anderson + Wanca
9. Ankcorn Law Firm, PC
10. Antonia Carrasco
11. Baillon Thome Jozwaik & Wanta LLP
12. Banduccie Woodward Schwartzman PLLC
13. Ben Schwartzman
14. Beth E. Terrell
15. Brian J. Wanca
16. Brian P. Murray
17. Bridget Amadeck
18. BrownGreer PLC
19. Bruce H. Nagel
20. Burke Law Offices, LLC
21. Caffarelli & Associates, Ltd.

22. Casey Gerry Schenk Francavilla Blatt & Penfield LLP
23. Charles C. Patterson
24. Charles Jeffrey Thut
25. Christopher Seeger
26. Complex Litigation Group LLC
27. Craig M. Shapiro
28. Daniel M. Hutchinson
29. David Mack
30. Dawn Weaver
31. Diane E. Sammons
32. Douglas A. Cuthbertson
33. Douglas J. Champion
34. Eric J. Troutman
35. Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
36. Garden City Group, LLC
37. Gregg M. Barbakoff
38. Gregory Linkh
39. Howard J. Bashman
40. Hyde & Swigart
41. Ismael T. Salam
42. Janet Jabrani
43. Jason Douglas
44. Jay J. Rice
45. Jill Carlson

46. John A. Yanchunis
47. John Knott
48. Jonathan D. Selbin
49. Jonathan I. Gehrich
50. Jonathan Shub
51. Joseph Darrell Palmer
52. Joseph Siprut
53. Joshua Swigart
54. Judd Clayton, Jr.
55. Julie D. Miller
56. Katherine M. Bowen
57. Kazerouni Law Group, APC
58. KCC Class Action Services LLC.
59. Keith Keogh
60. Kelley Casey
61. Keogh Law, Ltd.
62. Kristina Lopez
63. Lang Hanigan & Carvalho LLP
64. Law Office of Todd Friedman
65. Law Offices of Alan Barinholtz, PC
66. Law Offices of Darrell Palmer PC
67. Law Offices of Douglas J. Campion APC
68. Lieff Cabraser Heimann & Bernstein, LLP
69. Lillian Franklin

70. Lindsey Thut
71. Lipkin & Higgins
72. Lorraine Peeters
73. Mark Fistos
74. Marvin A. Miller
75. Matthew R. Wilson
76. Maurice Wutscher LLP
77. Meyer Wilson Co., LPA
78. Michael D. Daudt
79. Michael J. Schulz
80. Michael Joseph Boyle, Jr.
81. Michael S. Hilicki
82. Michael Wilkins
83. Miller Law LLC
84. Murray Frank LLP
85. Nagel Rice LLP
86. Nichole D. Sugnet
87. Noonan Perillo & Thut Ltd.
88. Paul Weiss
89. Peter Higgins
90. Richard J. Burke
91. Roach Johnston & Thut
92. Robert Burack
93. Rodney Max

94. Ross Good
95. Rust Consulting, Inc.
96. Saeed & Little LLP
97. Secger Weiss LLP
98. Severson & Werson, APC
99. Shawn J. Wanta
100. Shelia Allen
101. Sipur PC
102. Steven Jaffe
103. Terrell Marshall Daudt & Willie PLLC
104. Tiffany Alarcon
105. Timothy J. Sostrin
106. Timothy R. Hanigan
107. Upchurch Watson White & Max
108. Williamson & Williams