

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the Northern District of Ohio

Equal Employment Opportunity Commission, et al.)
Plaintiff)
v.) Civil Action No. 1:06cv02337
Spitzer Management, Inc., et al.)
Defendant) (If the action is pending in another district, state where:)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Anthony B. Giardini, 520 Broadway Avenue - 3rd Floor Lorain, OH 44052

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place and Date and Time. Place: Law Office of Cathleen Bolek, 302 Monarch Centre 5885 Landerbrook Drive, Cleveland, OH 44124 Tel: 216-464-3043. Date and Time: 02/26/2010 9:30 am

The deposition will be recorded by this method: stenographer and/or videotape

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Attached.

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: 2/4/10 CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR Solvita A. McMillan Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Equal Employment Opportunity Commission, who issues or requests this subpoena, are: Solvita A. McMillan, EEOC, AJC Federal Office Bldg. - Suite 3001, 1240 E. 9th Street, Cleveland, OH 44199 Tel: 216-522-7676 Fax: 216-522-7430

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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 individual 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 \$ 0.00.

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:

ATTACHMENT TO SUBPOENA

1. Produce any and all documents, writings, recordings and/or other tangible items from any source, which relate in any way to any complaint, report or communication, formal or informal, written or oral, made in the past ten year period by any past or present employee of any business for whom Defendant Spitzer Management, Inc. provides its services, where the subject of the complaint, report or communication was an allegation of illegal workplace violence, discrimination, harassment or retaliation. This request includes, but is not limited to, complaints, witness statements, incident reports and any other tangible item relating to the complaint or the investigation thereof by this deponent.
2. Produce all invoices, time records, or other billing records for any work performed by this deponent or any entity owned or controlled by this deponent for Spitzer Management Inc., any legal entity for whom Spitzer Management Inc. performs services., and/or any current or former employee of any such entities.
3. Produce all invoices, time records or other billing records for any work performed by this deponent or any entity owned or controlled by this deponent, any partner of this deponent, or any employee of any entity owned or controlled by this deponent, for Esther Kim.
4. Produce all documents, writings, recordings or other tangible items from any source, including but not limited to receipts, correspondence, invoices and/or canceled checks, which reflect or otherwise indicate the person or entity who provided payment to this deponent or any entity owned or controlled by this deponent, any partner of this deponent, or any employee of any entity owned or controlled by this deponent, for legal services provided to Esther Kim.
5. For the time period beginning January 1, 2005 to the present, produce any and all documents, writings, recordings and/or other tangible items from any source, including but not limited to videotapes, training manuals, handbooks and electronically stored data, which states, describes, reflects, or otherwise sets forth any policy or procedure of Spitzer Management or any other entity for whom Spitzer Management performs services where the subject matter of the policy or procedure involves workplace violence, discrimination, harassment or retaliation or any complaint thereof, and where the policy or procedure was in place at Spitzer or any of it's entities.