

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Dennis A. Barlow, SBN 63849
Burbank City Attorney's Office
275 E. Olive Avenue
Burbank, CA 91502

FOR COURT USE ONLY

TELEPHONE NO.: 818-238-5707

FAX NO. (Optional): 818-238-5724

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): BURBANK POLICE DEPT. AND CITY OF BURBANK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

PLAINTIFF/PETITIONER: OMAR RODRIGUEZ; CINDY GUILLEN-GOMEZ
STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; JAMAL CHILDS
DEFENDANT/RESPONDENT: BURBANK POLICE DEPARTMENT; ET AL.

DEPOSITION SUBPOENA
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

CASE NUMBER:

BC414602

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

ERIC MICHAEL CAP
649 BETHANY ROAD, BURBANK, CALIFORNIA 91504

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: February 1st, 2011 Time: 10:00 a.m. Address: City of Burbank Community Services Building Rm. 101
150 N Third Street, Burbank, CA 91502

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
- d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

3. The documents and things to be produced and any testing or sampling being sought are described as follows: SEE ATTACHMENT A

Continued on Attachment 3.

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4.


5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: JANUARY 11, 2011

Dennis A. Barlow, SBN 63849


(SIGNATURE OF PERSON ISSUING SUBPOENA)
CITY ATTORNEY

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

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DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS

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Code of Civil Procedure §§ 2020.510,
2025.220, 2025.230, 2025.250, 2025.620;
Government Code, § 68097.1

ATTACHMENT "A"

DEFINITIONS

A. "WRITINGS" means and includes any handwriting, typewriting, printing, digital or electronic, recordation, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof and any record thereby created, regardless of the manner in which the record has been stored.

B. "YOU" or "YOUR" shall include you, your agents, your employees, your attorneys, your accountants, your investigators and anyone else under your direction and control or otherwise acting on your behalf.

DOCUMENTS

1. All WRITINGS identifying the source of any materials, edited or not, which form the basis of the item(s) uploaded by YOU or anyone acting on YOUR behalf to YouTube on July 11, 2010.
2. All originals and copies of the recordings, before and after editing, which form the basis of the item(s) uploaded by YOU or anyone acting on YOUR behalf to YouTube on July 11, 2010.
3. All WRITINGS or communications with any person pertaining to the source of any recordings, before and after editing, which form the basis of the item(s) uploaded by YOU or anyone acting on YOUR behalf to YouTube on July 11, 2010.
4. All WRITINGS reflecting communications and actual communications between YOU or anyone acting on YOUR behalf with Omar Rodriguez, Solomon Gresen, Steven Rheuban, Greg Smith, Christopher Brizzolara, Bill Taylor, Neil Gunn, Neil Gunn, Jr., Tina Gunn, Leslie Cates, Dawna Kendrick, Jim Carisle, Steve Karagosian, Cindy Guillen, Anthony Valento, Thor Merich, Elfego Rodriguez, Jamal Childs and any representative employee of Semichorus or Wordpress.

5. Any WRITINGS or recording on which any past or present Burbank Police officer can be heard or seen.
6. Any WRITINGS or recording which YOU or anyone acting on YOUR behalf have been requested to edit on which any past or present Burbank Police officer can be heard or seen.
7. Any WRITINGS or recording provided to YOU or anyone acting on YOUR behalf on which any past or present Burbank police officer can be heard or seen.
8. Any invoices for services rendered by YOU or anyone acting on YOUR behalf for the editing, copying, uploading, or altering of any recording on which any past or present Burbank police officer can be heard or seen.
9. Any WRITINGS evidencing payments for services rendered by YOU or anyone acting on YOUR behalf for the editing, copying, uploading, or altering of any recording on which any past or present Burbank police officer can be heard or seen.

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**CITY OF BURBANK
CITY ATTORNEY LITIGATION ACCOUNT**

DATE Jan. 11, 2011

16-66/1220
1459

PAY
TO THE
ORDER OF

Eric Michael Cap

\$ 50.00

Fifty dollars and 00/100

DOLLARS

 Security
Features
Details on
Back

Bank of America

LA Middle Mkt Bkg
333 Hope St 13th Fl
Los Angeles CA



FOR Deposition Subpoena

[Handwritten Signature]

MP

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