



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

SERVICE Electronically Filed:
April 28, 2016 16:46

By: DANIEL M. CONNELL 0078418

Confirmation Nbr. 738636

JACQUELYN HURON, ET AL

CV 13 812818

vs.

E-MERGING TECHNOLOGIES GROUP, INC., ET AL

Judge:

RICHARD MCMONAGLE COMM

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
SUBPOENA CIVIL RULE 45

THE STATE OF OHIO

ss.

Cuyahoga County

Jacquelyn Huron et al

Plaintiff

No. CV-13-812818

vs.

E-Merging Technologies Group, Inc.

Defendant

Judge Richard McMonagle

To Stealthcare, LLC
c/o John O. Storey, Statutory Agent
4600 Euclid Ave., Suite 400
Cleveland, OH 44103

YOU ARE COMMANDED to appear in the Court of Common Pleas to testify as witness on behalf of the (PLAINTIFF/DEFENDANT) in the above entitled case and not depart the Court without leave. Fail not under penalty of the law. Your appearance is required on the ___ of ___ at ___ o'clock ___ .M. in

Courtroom No. ___ of the:

Justice Center-Court Tower
1200 Ontario Street
Cleveland, Ohio 44113

checkbox

Courthouse Square
310 W. Lakeside Ave.
Cleveland, OH 44113

checkbox

Cuyahoga County Courthouse
One Lakeside Avenue
Cleveland, Ohio 44113

checkbox

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

PLACE OF DEPOSITION

DATE

TIME

YOU ARE COMMANDED to produce and permit inspection, copying, testing or sampling of the following documents or objects at the place, date, and time specified below (list documents or objects):
See Exhibit A, attached.

Haber Polk Kabat, 737 Bolivar Rd., Suite 4400, Cleveland OH 44115 05/06/2016 10:00 AM
PLACE DATE TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE

TIME

To insure taxation of their fees, witnesses must report each attendance to the Clerk of Court of Common Pleas on the first floor of the Justice Center-Courts Tower.

Section 2335.06 of the Ohio Revised Code provides that witnesses are entitled to receive \$12.00 for each full day's attendance and \$6.00 for each half day's attendance, plus ten cents per mile traveled to and from his place of residence outside of the City of Cleveland proper. Such fees are taxed as costs and mailed to the witness upon payment of the costs.

Daniel M. Connell

737 Bolivar Rd. Suite 4400. Cleveland. OH 44115

ATTORNEY NAME

ADDRESS

Signature of Daniel M. Connell

Plaintiffs J. Huron et al

04/28/2016

SIGNATURE

REPRESENTING

DATE

Cuyahoga County, Clerk of Courts

THE STATE OF OHIO

ss.

Cuyahoga County

Affidavit of Service of Subpoena by Sheriff or Officer, Attorney or Private Person

On the 28th day of April, 2016

I served this Subpoena on the within named:

John O. Storey c/o Katie Prosen

as follows:

via hand delivery at the law offices of Cowden & Humphrey

SHERIFF'S FEES

Service on \$
Copy
Miles Travel
Return
\$

By [Signature] Deputy Sheriff/Attorney

Subscribed and sworn to before me, a

This day of , 20

Witness entitled to miles

RULE 45. RULES OF CIVIL PROCEDURE, PARTS C & D

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS. (1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA. (2)(A) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL. (B) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED. (3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING: (A) FAILS TO ALLOW REASONABLE TIME TO COMPLY; (B) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES; (C) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4). IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY; (D) SUBJECTS A PERSON TO UNDUE BURDEN. (4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(D) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(D) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN. (5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(C) OR (C)(3)(D) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

(D) DUTIES IN RESPONDING TO SUBPOENA. (1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING. (2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE, UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM. (3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THIS DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION. (4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM. (5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT 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 RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL- PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

- A. As used herein, the terms “you” and “your” mean the person to whom the subpoena is addressed and/or anyone acting in concert with or at the direction of that person.
- B. The plural of a word shall include the singular of that word; and the singular of a word shall include the plural of that word so as not to be exclusive.
- C. The word “and” shall include the word “or”; and the word “or” shall include the word “and” so as not to be exclusive.
- D. In responding to these requests, all requested documents in your possession, custody, or control are to be produced. This includes documents in the possession, custody, or control of any third party or parties, to whom you have surrendered possession, custody, or control or who are acting on your behalf, or who have otherwise obtained possession, custody, or control, or who, upon your request, could surrender possession, custody, or control.
- E. As used herein, the term “document” or “documents” includes, without limitation, the original or any copies, regardless of origin or location, of any correspondence (whether it exists in hard copy, electronic format, or otherwise) book, pamphlet, periodical, application, agreement, appointment calendar, letter, calendar or diary entry, memorandum, message, telegram, cable, report, study, stenographic or handwritten note, working paper or draft, invoice, voucher, check, statement, chart, graph, map, diagram, blueprint, table, index, picture, voice recording, tape, microfilm, tape data sheet or data processing card or disk, or any other written, typed printed, recorded, transcribed, punched, taped, filmed, photographed, or graphic matter, whether produced, reproduced, or on paper, cards, tapes, films, electronic facsimile, computer storage device, or any other media to which you have or had had access, and any copies of reproductions of any of the above that differ in any respect from the original, whether by interlineation, receipt stamp, notation, indication of copy sent or received, or otherwise, including drafts. The term “document” or “documents” also shall include any and all data produced, recorded, or copied by you, including but not limited to all software, tapes, and/or floppy disks, and any hardcopies produced therefrom. Designated documents are to be considered as including all attachments, enclosures, and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the term “document” or “documents” shall not be taken to limit the generality of the terms, and the requests herein are intended to obtain all documents in the broadest and most comprehensive sense and meaning of these terms.
- F. The term “document” or “documents” includes any and all electronic information maintained on computers, servers, and/or similar system, regardless of the manner in which the information is maintained.

- G. Each request for documents to be produced contemplates production of the documents in their entirety, without abbreviation or expurgation.
- H. If you cannot produce a document after exercising due diligence to secure it, so state and produce whatever portion of said document possible, specifying your inability to answer the remainder and stating whatever information and knowledge you have concerning the document you are unable to produce. If any such document was, but is no longer in their possession, custody or control, state how it was disposed of and the reason for such disposition.
- I. If any document called for by this Request has been destroyed, the document is to be identified as follows:
1. Addressor (if applicable);
 2. Addressee (if applicable);
 3. Indicated or blind copies;
 4. Date;
 5. Subject matter;
 6. Number of pages;
 7. Attachments and appendices;
 8. All persons to whom it was distributed, shown or explained;
 9. Date of destruction;
 10. Manner and reason for destruction;
 11. Person who authorized destruction; and
 12. Person who destroyed the document.
- J. If any document called for by these requests are withheld on the basis of a claim of privilege, identify the document as follows:
13. Addressor (if applicable);
 14. Addressee (if applicable);
 15. Indicated or blind copies;
 16. Date;
 17. Subject matter;
 18. Number of pages;
 19. Attachments or appendices;
 20. All persons to whom it was distributed, shown or explained; and
 21. Present custodian and nature of the privileged asserted.
- K. These requests shall be deemed continuing in nature, so as to require further and supplemental production if you receive or generate additional documents in the future.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. The Articles of Incorporation for Stealthcare, LLC.
2. Any and all monthly, quarterly, and/or annual financial statements for Stealthcare, LLC for the time period June 4, 2015 through the present.
3. Any and all records reflecting payments, compensation, or distributions to Jeremy Samide from Stealthcare, LLC for the time period June 4, 2015 through the present.
4. Any and all records reflecting any investment in Stealthcare, LLC or loan made to Stealthcare, LLC by Jeremy Samide for the time period January 1, 2015 through the present.
5. Any and all documents reflecting the identity of any individual or entity that has an equity or ownership interest in Stealthcare, LLC. This request specifically includes any and all records that would reflect the manner in which such equity or ownership interest was acquired, any amounts paid for such equity or ownership interests, and the present value of any such equity or ownership interests.
6. For the time period June 4, 2015 through the present, please produce any and all statements reflecting any activity in any bank account used by Stealthcare, LLC.
7. For the time period June 4, 2015, please produce any and all records reflecting income received from clients who were previously clients of E-Merging Technologies Group, Inc.