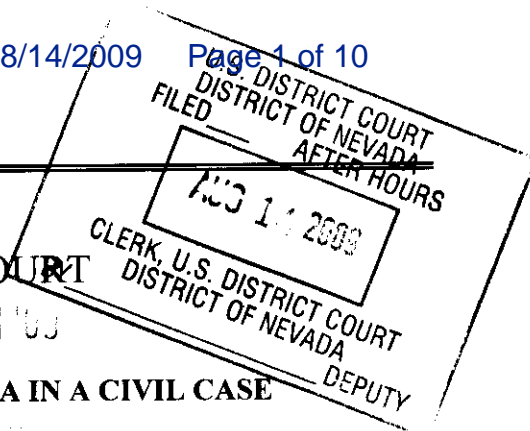


AO88 (Rev. 12/07) Subpoena in a Civil Case



**Issued by the
UNITED STATES DISTRICT COURT**

District of Nevada

KIRK and AMY HENRY

V.

RICK RIZZOLO, et al.

SUBPOENA IN A CIVIL CASE

Case Number:¹

TO: C. Stanley Hunterton
Hunterton & Associates
333 South Sixth Street
Las Vegas, Nevada 89101

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

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

PLACE OF DEPOSITION Depo International 517 South Ninth Street, Las Vegas, Nevada 89101	DATE AND TIME 9/14/2009 1:00 am
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See list of documents as stated in Defendants' Notice of Deposition

PLACE Depo International 517 South Ninth Street, Las Vegas, Nevada 89101	DATE AND TIME 9/14/2009 1:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) /s/ FREDERICK J. RIZZOLO, pro se	DATE 8/14/2009
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER FREDERICK J. RIZZOLO, Pro Se 1760 Amarone Way, Las Vegas, Nevada 89012, Tele: 702-271-3014

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	DATE
	SIGNATURE OF SERVER
	ADDRESS OF SERVER

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

(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 need not 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).

1 **FREDERICK J. RIZZOLO**

Pro Se

2 1760 Amarone Way
Las Vegas, Nevada 89012

3 Tele: 702-271-3014

Defendant

4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 KIRK and AMY HENRY,

7 Plaintiffs,

8 vs.

9 FREDERICK RIZZOLO a/k/a RICK
RIZZOLO, an individual; LISA RIZZOLO,
10 AN INDIVIDUAL; THE RICK AND LISA
RIZZOLO FAMILY TRUST; THE RICK J.
11 RIZZOLO SEPARATE PROPERTY TRUST;
THE LISA M. RIZZOLO SEPARATE
12 PROPERTY TRUST; (Proposed) RJR
TRUST; (Proposed) LMR TRUST, et al.,

13 Defendants.

CASE NO. 2:08-CV-00635-PMP-GWF

**DEFENDANT RIZZOLO, DEFENDANT
THE RICK AND LISA RIZZOLO
FAMILY TRUST, DEFENDANT THE
RICK J. RIZZOLO SEPARATE
PROPERTY TRUST, DEFENDANT
(Proposed) RJR TRUST NOTICE OF
DEPOSITION OF C. STANLEY
HUNTERTON**

FREDERICK J. RIZZOLO
Pro Se
1760 Amarone Way
Las Vegas, Nevada 89012
Tele: 702-271-3014 Fax: 702-586-6488

14
15 TO: KIRK AND AMY HENRY, PLAINTIFFS

16 DONALD J. CAMPBELL
Campbell and Williams
17 700 South Seventh Street
Las Vegas, Nevada 89101

18 C. STANLEY HUNTERTON
19 Hunterton & Associates
333 South Sixth Street
20 Las Vegas, Nevada 89101

21 ALL INTERESTED PARTIES

22 **NOTICE IS HEREBY GIVEN** that the Defendant FREDERICK RIZZOLO a/k/a RICK
23 RIZZOLO, an individual; Defendant THE RICK AND LISA RIZZOLO FAMILY TRUST;
24 Defendant THE RICK J. RIZZOLO SEPARATE PROPERTY TRUST, and Defendant (Proposed)
25 RJR TRUST, by and through RICK RIZZOLO, pro se, will take the deposition of C. STANLEY
26 HUNTERTON, on the 14th day of September 2009, beginning at the hour of 01:00 p.m., at Depo
27 International, 517 South Ninth Street, Las Vegas, Nevada 89101, and shall include all information
28 pertaining to the action before the Courts, and shall continue as necessary from hour to hour and
day to day, until completed.

1 The deposition and testimony of the witness shall be taken upon oral examination
2 pursuant to the Federal Rules of Civil Procedure, before a Notary Public, or some other officer
3 authorized by law to administer oaths, at the office of counsel for the Defendants.

4 All Interested Parties are invited to attend and to cross-examine.

5 **DEMAND FOR PRODUCTION OF DOCUMENTS**

6 Pursuant to the provisions of Rules 26, 30 and 34 of the Federal Rules of Civil Procedure,
7 said deponent is requested to, and has been placed under a subpoena to, produce for inspection and
8 copying, not more than thirty (30) days from the date hereof, and not less than the time set for
9 deposition, all documents falling within the scope and more specifically described below.

10 **Definitions**

11 1. The following definitions are applicable throughout the discovery period and for
12 the purpose of this demand for production of documents and evidence.

13 2. "You" refers to the witness or deponent to whom this demand for production of
14 documents and evidence is directed.

15 3. "Witness" means the name, address, and telephone number of each person having
16 knowledge of or pertaining to the item in question.

17 4. "Facts" mean and include, but are not limited to, description of all circumstances,
18 events, and evidence pertaining to or touching upon the item in question.

19 5. "Writing" means and includes, but is not limited to, any and all papers, books,
20 documents, reports, records, contracts, minutes of meetings, agreements, memoranda, maps,
21 diagrams, illustrations, photographs, telegrams, written analysis, recordings, statements,
22 transcriptions made of any telephone communication or face-to-face oral meeting or conversation,
23 written communication (which includes, but is not limited to, any letter, interoffice communication
24 and telegram), and includes the original, any copy, and any drafts thereof.

25 6. "Statement" means and includes, but is not limited to, each recordation of any
26 interview or conversation with a witness, whether by a signed or unsigned writing, recording, court
27 reported statement or otherwise.

28 7. "Document" means and includes, but is not limited to, all "writings," reports, letters,

1 books, telegrams, memoranda, drawings, notes, tape recordings, photographs, or any other written
2 or graphic material communication and electronic computer postings however denominated.

3 8. "Person" means and includes, but is not limited to, natural persons, partnerships,
4 consortiums, joint ventures, and every other form of legally recognized entity, including
5 corporations and professional offices.

6 9. "Identify" when used in reference or response pertaining to an individual person
7 means to:

- 8 (a) State his or her full name;
- 9 (b) State his or her present or last-known address;
- 10 (c) State his or her present or last-known position of employment and business
11 affiliation; and
- 12 (d) Describe the relationship to you.

13 10. "Identify" when used in reference or response pertaining to a corporation,
14 partnership, or other legally recognized entity conducting business, whether as a group, individual
15 person or persons, or professional office, entity, means:

- 16 (a) State its full name;
- 17 (b) State its present or last-known address;
- 18 (c) In the case of a corporation, set forth the state of its incorporation;
- 19 (d) In the case of an entity other than a corporation, set forth the city and state
20 where licensed to conduct business; and,
- 21 (e) Describe your relationship to it.

22 11. "Identify" when used in reference or response pertaining to a document or writing,
23 means to:

- 24 (a) State the date of preparation, author, title (if any), subject matter, number
25 of pages, and type of document (e.g., contract, letter, reports, etc.) or some
26 other means of distinguishing the document or writing;
- 27 (b) Identify each and every person who prepared or participated in the
28 preparation of the document or writing;

- 1 (c) Identify each and every person who received a copy of the document;
- 2 (d) Identify and state the present location of the document or writing with its
- 3 present or last-known address;
- 4 (e) Identify each and every person having care, custody, or control of the
- 5 document or writing;
- 6 (f) State whether any copy of the document or writing is not identical to the
- 7 original by reason of shorthand or other written notes, initials, or any other
- 8 modifications;
- 9 (g) State, if the document or writing has been destroyed, the circumstances
- 10 surrounding and the reason for the destruction; and
- 11 (h) Identify, if the document or writing has been destroyed, each and every
- 12 person who destroyed, or participated in whether actively or passively, or
- 13 otherwise ordered or suggested the destruction of it.

14 12. "Identify" when used in reference or response pertaining to an oral communication,
15 means to:

- 16 (a) State the date and place of the oral communication or some other means of
- 17 identifying the oral communication.
- 18 (b) State the medium through which the oral communication was made (e.g.,
- 19 in person, by telephone, etc.);
- 20 (c) Identify each and every person who participated in the oral communication;
- 21 (d) Identify each person (other than participant) hearing the communication;
- 22 (e) State the substance of the oral communication, including but not limited to
- 23 who said what to whom and the chronological order in which its was said,
- 24 and the conclusions and decisions reached in the course of or as a result of
- 25 the oral communication; and
- 26 (f) Identify each and every document involved, discussed, and produced
- 27 subsequently concerning what was said in the oral communication.
- 28

1 **Privileged Information**

2 It is not the Defendant's intention to request production of privileged matter. If any
3 materials requested are claimed to be privileged, you are instructed to:

4 1. Produce the information under seal and stipulated protective order pending
5 disposition of the information by the Court.

6 2. A brief description of the nature and contents of production and the privilege
7 claimed.

8 3. The name, occupation and capacity of the individual from whom the allegedly
9 privileged matter emulated.

10 4. The name and capacity of the individual from whom the alleged privilege derives.

11 **Request for Production Before or at Deposition**

12 1. Identify and produce the names, addresses, and contact telephones for any and all
13 persons, adult or minor, and places, including, but not limited to, institutions or businesses having
14 knowledge of the allegations set forth in the *Complaint, Amended Complaint* and (proposed)
15 *Second Amended Complaint*.

16 2. Identify and produce any and all writings, documents, records, tangible exhibits and
17 evidence, photographs, and memoranda of any and all oral communications dated from October
18 1, 2001 through August 8, 2006 pertaining to your personal knowledge and involvement in the
19 negotiations and drafts of that concluded the *Settlement Agreement* dated August 8, 2006,
20 including but not limited to your generation or receipt and review of any financial analysis or
21 calculations in support of the *Settlement Agreement*.

22 3. Identify and produce any and all writings, documents, records, tangible exhibits and
23 evidence, photographs, and memoranda of any and all oral communications dated from January
24 1, 2005 through December 21, 2005 pertaining to your personal knowledge of the 2005 divorce
25 of Lisa and Rick Rizzolo, including but not limited to any requests for information, copies received
26 from the courts, and news articles.

27 4. Identify and produce any and all writings, documents, records, tangible exhibits and
28 evidence, photographs, and memoranda of any and all oral communications dated from January

1 1, 2008 through the present date pertaining to the use of the trade names Crazy Horse, Crazy Horse
2 Too, and Crazy Horse III.

3 5. Identify and produce any and all writings, documents, records, tangible exhibits and
4 evidence, photographs, and memoranda of any and all oral communications dated from October
5 1, 2001 through September 7, 2007 pertaining to your personal knowledge and involvement in the
6 *Petition and Settlement Agreement, Stipulation for Entry of Order of Forfeiture, and Order* (#70,
7 Federal Criminal Case 2:06-cr-00186-PMP-PAL).

8 6. Identify and produce any and all writings, documents, records, tangible exhibits and
9 evidence, photographs, and memoranda of any and all oral communications dated from October
10 1, 2001 through the present date pertaining to your personal knowledge and involvement in the
11 distribution of any monies, advances and/or any funds whatsoever generated through State Court
12 Case 01-A-440740, including but not limited to the final distribution of funds to the Plaintiffs, to
13 your firm and to co-counsel.

14 7. Identify and produce any and all writings, documents, records, tangible exhibits and
15 evidence, photographs, and memoranda of any and all oral communications dated from October
16 1, 2001 through the present date pertaining to your personal knowledge and involvement in placing
17 your malpractice carrier on notice, including but not limited to, name and contact information of
18 your carrier, all other incidents of malpractice claimed, whether or not substantiated.

19 8. Identify and produce any and all writings, documents, records, tangible exhibits and
20 evidence, photographs, and memoranda of any and all oral communications pertaining to your
21 Curriculum Vitae, specifically your history, from earliest date engaged in the practice of law, dates.

22 9. Identify and produce any and all writings, documents, records, tangible exhibits and
23 evidence, photographs, and memoranda of any and all oral communications from August 8, 2006
24 through the present date, pertaining to your personal knowledge, involvement and communications
25 with the Office of the United States Attorney for the District of Nevada referencing the Defendants
26 in this case.

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DATED this 14th day of August, 2009.

**DEFENDANTS FREDERICK RIZZOLO a/k/a
RICK RIZZOLO, an individual; and THE
RICK AND LISA RIZZOLO FAMILY TRUST;
(Proposed) RJR TRUST**

By Electronic Signature:

/s/ Frederick J. Rizzolo

FREDERICK J. RIZZOLO
Pro Se
1760 Amarone Way
Las Vegas, Nevada 89012

CERTIFICATE OF SERVICE

The Undersigned, an individual not a party to the within cause of action, pursuant to Fed.R.Civ.P. 5, did serve a true and correct copy the foregoing document by:

By United States Mail on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing United States Mail, addressed as set forth below.

Confirming Mail: FREDERICK J. RIZZOLO, Pro Se 1760 Amarone Way Las Vegas, Nevada 89012	Marc P Cook Bailus Cook & Kelesis, Ltd. 400 So. 4th Street, Suite 300 Las Vegas, NV 89101
C. Stanley Hunterton Hunterton & Associates 333 South Sixth Street Las Vegas, Nevada 89101	Donald Campbell Campbell and Williams 700 South Seventh Street Las Vegas, Nevada 89101
Paul Hejmanowski Lionel, Sawyer & Collins 300 S. Fourth Street, Suite 1700 Las Vegas, Nv 89101	Mark Hafer Patti & Sgro 720 S. 7th Street, Suite 300 Las Vegas, NV 89101

Personal delivery by causing a true copy thereof to be hand delivered this date to the address(es) at the address(es) set forth below.

Courtesy Facsimile on the parties in said action of Document No. 1 and Document No. 2 only by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.

Frederick J. Rizzolo Pro Se Fax: 702-586-6488	Marc P Cook Bailus Cook & Kelesis, Ltd. Fax: 702-737-7712
C. Stanley Hunterton Hunterton & Associates Fax: 702-388-0361	Donald Campbell Campbell and Williams Fax: 702-382-0540
Paul Hejmanowski Lionel, Sawyer & Collins Fax: 702-383-8845	Mark Hafer Patti & Sgro Fax: 702-386-2737

DATED this 14th day of August, 2009.

DEFENDANTS FREDERICK RIZZOLO a/k/a RICK RIZZOLO, an individual; and THE RICK AND LISA RIZZOLO FAMILY TRUST; (Proposed) RJR TRUST

By Electronic Signature:
/s/Frederick J. Rizzolo
FREDERICK J. RIZZOLO
Pro Se