

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF AMELYA FRANCES
KIRKPATRICK D.O.B., 10/06/04

DEPOSITION SUBPOENA DUCES
TECUM

Case No. 062100046 AD
Judge: Stanton Taylor

TO: Dan Wakefield
1374 North 1450 East
Provo, Utah 84604

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.
- to produce copies of the following documents or objects at the place, date and time specified below:

True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

- to permit inspection of the following premises at the date and time specified below.

PLACE:

STEVEN KUHNHAUSEN
ATTORNEY AT LAW
10 WEST 300 SOUTH SUITE 603
SALT LAKE CITY, UTAH 84101

DATE AND TIME:

Friday
September 18, 2009
1:00 p.m.

Steven Kuhnhausen

Date

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 person who consents to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30 (b) (6), Utah Rules of Civil Procedure.

NOTICE

Subpoena to Appear at Trial, at Hearing, or at Deposition

1. If this subpoena commands you to appear to give testimony at trial or at hearing, you must appear in person at the place designated in the subpoena.
2. If this subpoena commands you to appear to give testimony at deposition, you must appear in person at the place designated in the subpoena. If you are a resident of Utah, the subpoena may command you to appear only in the county where you reside, or where you are employed, or where you transact business in person, or where the court orders you to appear. If you are not a resident of Utah, the subpoena may command you to appear only in the county where you are served with the subpoena, or where the court orders.
3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition but does not command you to produce or to permit inspection or copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena:
 - a. imposes an undue burden or expense upon you;
 - b. does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or
 - c. commands you to appear at deposition at the place in violation of paragraph 2, above.
4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

Subpoena to Produce or to Permit Inspection of Documents or Tangible Things or to Permit Inspection of Premises

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you to appear to give testimony at trial, at a hearing, or at deposition:
 - a. you need not appear in person at the place of production or inspection;
 - b. you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and
 - c. you need not make any copies or advance any costs for production, inspection or copying. If you agree to make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.
6. You have the right to object if the subpoena:

- a. imposes an undue burden or expense upon you;
- b. does not allow you at least 14 days to comply, unless the party serving the subpoena has obtained a court order requiring an earlier response;
- c. requires you to disclose a trade secret or other confidential research, development or commercial information
- d. requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or
- e. requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

7. To object to a subpoena for one of the reasons stated on paragraph 6, you must provide notice on writing before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(c), 6(d), or 6(e), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.

8. After you make timely written objection, the party who has served the subpoena upon you must obtain a court order to compel you to comply with the subpoena. The party must give you a copy of its motion for court order and notice of any hearing before the court. You have the right to file a response to the motion with the court and the right to attend any hearing. After you make a timely written objection, you have no obligation to comply with the subpoena until the party serving the subpoena has served you with the court order that compels you to comply.

9. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, *and* to appear to give testimony at trial, at a hearing, or at a deposition, you may object to the production or inspection of documents or tangible things, or inspection of premises, by following the procedure identified in paragraph 7. Even though you object to production or inspection of documents or tangible things, or inspection of premises, you must appear in person at the trial, at the hearing or at the deposition unless you obtain an order of the court by following the procedures identified in paragraph 4.

DATED this _____ day of _____, 2009.

Steven Kuhnhausen

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF AMELYA FRANCES
KIRKPATRICK D.O.B., 10/06/04

DEPOSITION SUBPOENA DUCES
TECUM

Case No. 062100046 AD
Judge: Stanton Taylor

TO: Scott Banks
c/o Marlin J. Grant
130 South Main, Suite 200
PO Box 525
Logan, Utah 84321

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.
- to produce copies of the following documents or objects at the place, date and time specified below:

True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

- to permit inspection of the following premises at the date and time specified below.

PLACE:
STEVEN KUHNHAUSEN
ATTORNEY AT LAW
10 WEST 300 SOUTH SUITE 603
SALT LAKE CITY, UTAH 84101

DATE AND TIME:
Friday
September 18, 2009
3:30 p.m.

Steven Kuhnhausen

Date

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 person who consents to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30 (b) (6), Utah Rules of Civil Procedure.

NOTICE

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3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition but does not command you to produce or to permit inspection or copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena:
 - a. imposes an undue burden or expense upon you;
 - b. does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or
 - c. commands you to appear at deposition at the place in violation of paragraph 2, above.
4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

Subpoena to Produce or to Permit Inspection of Documents or Tangible Things or to Permit Inspection of Premises

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you to appear to give testimony at trial, at a hearing, or at deposition:
 - a. you need not appear in person at the place of production or inspection;
 - b. you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and
 - c. you need not make any copies or advance any costs for production, inspection or copying. If you agree to make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.
6. You have the right to object if the subpoena:
 - a. imposes an undue burden or expense upon you;
 - b. does not allow you at least 14 days to comply, unless the party serving the

subpoena has obtained a court order requiring an earlier response;

c. requires you to disclose a trade secret or other confidential research, development or commercial information

d. requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or

e. requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

7. To object to a subpoena for one of the reasons stated on paragraph 6, you must provide notice on writing before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(c), 6(d), or 6(e), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.

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DATED this _____ day of _____, 2009.

Steven Kuhnhausen

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF AMELYA FRANCES
KIRKPATRICK D.O.B., 10/06/04

DEPOSITION SUBPOENA DUCES
TECUM

Case No. 062100046 AD

Judge: Stanton Taylor

TO: Karen Banks
c/o Marlin J. Grant
130 South Main, Suite 200
PO Box 525
Logan, Utah 84321

YOU ARE COMMANDED:

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True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

- to permit inspection of the following premises at the date and time specified below.

PLACE:
STEVEN KUHNHAUSEN
ATTORNEY AT LAW
10 WEST 300 SOUTH SUITE 603
SALT LAKE CITY, UTAH 84101

DATE AND TIME:

Friday
September 18, 2009
2:30 p.m.

Steven Kuhnhausen

Date

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 person who consents to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30 (b) (6), Utah Rules of Civil Procedure.

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- c. requires you to disclose a trade secret or other confidential research, development or commercial information
- d. requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or
- e. requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.

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DATED this _____ day of _____, 2009.

Steven Kuhnhausen

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF AMELYA FRANCES
KIRKPATRICK D.O.B., 10/06/04

NOTICE OF DEPOSITION DUCES
TECUM

Case No. 062100046 AD

Judge: Stanton Taylor

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the attorney for Mary Frances and Curry Kirkpatrick will take the deposition of Dan Wakefield before a certified Court reporter on Friday, September 18, 2009, at the hour of 1:00 p.m., in the office of Steven Kuhnhausen, located at 10 West 300 South, #603, Salt Lake City, Utah 84101, you are hereby given notice to appear at the place, date and time specified above to testify at the taking of a deposition in the above case and to produce copies of the following documents or objects at the place, date and time specified above:

True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

Dated this ____ day of _____, 2009

Steve Kuhnhausen

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION
OF AMELYA FRANCES
KIRKPATRICK D.O.B., 10/06/04

NOTICE OF DEPOSITION DUCES
TECUM

Case No. 062100046 AD

Judge: Stanton Taylor

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the attorney for Mary Frances and Curry Kirkpatrick will take the deposition of Scott Banks, before a certified Court reporter on Friday, September 18, 2009, at the hour of 3:30 p.m., in the office of Steven Kuhnhausen, located at 10 West 300 South, #603, Salt Lake City, Utah 84101, you are hereby given notice to appear at the place, date and time specified above to testify at the taking of a deposition in the above case and to produce copies of the following documents or objects at the place, date and time specified above:

True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

Dated this ____ day of _____, 2009

Steve Kuhnhausen

Steven Kuhnhausen (1861)
Attorney for Mary Frances & Curry Kirkpatrick
10 West Broadway
Suite 603
Salt Lake City, Utah 84101
Telephone: (801) 322-1555
Facsimile: (801) 521-5161

IN THE FIRST DISTRICT COURT

IN AND FOR CACHE COUNTY, STATE OF UTAH

IN THE MATTER OF THE ADOPTION OF AMELYA FRANCES KIRKPATRICK D.O.B., 10/06/04	NOTICE OF DEPOSITION DUCES TECUM Case No. 062100046 AD Judge: Stanton Taylor
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YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the attorney for Mary Frances and Curry Kirkpatrick will take the deposition of Dan Wakefield, Scott Banks and Karen Banks, before a certified Court reporter on Friday, September 18, 2009, at the hour of 2:30 p.m., in the office of Steven Kuhnhausen, located at 10 West 300 South, #603, Salt Lake City, Utah 84101, you are hereby given notice to appear at the place, date and time specified above to testify at the taking of a deposition in the above case and to produce copies of the following documents or objects at the place, date and time specified above:

True, accurate and complete copies of all federal discovery related to Focus on Children, et al.

Dated this ____ day of _____, 2009

Steve Kuhnhausen

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 2009, I caused to be mailed a true and accurate copy of the foregoing to:

Roger Baron
135 North 100 West
Logan, Utah 84321
Fax: (435)713-6226

Marlin J. Grant
130 South Main, Suite 200
PO Box 525
Logan, Utah 84321
Fax: (435)752-2295

August 24, 2009

Dan Wakefield
1374 North 1450 East
Provo, Utah 84604

Re: Deposition Duces Tecum
In the Matter of the Adoption of Amelya Frances Kirkpatrick
Case No. 062100046 AD

Dear Dan;

Enclosed, please find your Notice of Deposition Duces Tecum requesting the federal discovery regarding Scott and Karen Banks and their adoption agency, Focus on Children. The federal discovery is located in the office of your attorney, Stephen McCaughey. If you can send me a letter of authorization authorizing Mr. McCaughey to release the federal discovery to me, we can reduce the time necessary for taking your deposition. Please contact me if you have any questions. Thank you.

Sincerely,

Steven Kuhnhausen