

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>B. ROBERT ALLARD, ESQ.</b> SB# 175592 <b>CORSIGLIA, MCMAHON &amp; ALLARD ATTORNEYS AT LAW</b> <b>96 NORTH 3RD STREET</b> <b>SUITE #620</b> <b>SAN JOSE, CA 95112</b> TELEPHONE NO.: <b>408/289-1417</b> FAX NO.: <b>408/289-8127</b> E-MAIL ADDRESS: ATTORNEY FOR (Name): <b>PLAINTIFF - JANE DOE, A MINOR, ET AL.</b>	<i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: <b>191 NORTH FIRST STREET</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN JOSE, CA 95113</b> BRANCH NAME: <b>DOWNTOWN SUPERIOR COURT - CIVIL</b>	
PLAINTIFF/ PETITIONER: <b>JANE DOE, A MINOR, ET AL.</b> DEFENDANT/ RESPONDENT: <b>UNION SCHOOL DISTRICT, ET AL.</b>	
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	CASE NUMBER: <b>19CV343088</b>

**THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):**  
 Custodian of Records For: **SAN JOSE POLICE DEPARTMENT ATTN: RECORDS DIVISION**  
**201 W. MISSION ST. SAN JOSE, CA 95110** **408/277-4141**

**1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To (name of deposition officer): <b>Quest Discovery Services</b>	PH:(408) 441-7000	FX:(408) 441-7070
On (date): <b>04/02/19</b>	At (time): <b>9:30 A.M.</b>	
Location (address): <b>981 Ridder Park Dr., Ste. 200 San Jose, CA 95131</b>		
<b>Do not release the requested records to the deposition officer prior to the date and time stated above.</b>		

- a.  by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - b.  by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - c.  by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): **RE: SAMUEL NIEPP DOB:10/25/82**

Continued on Attachment 3.

**4. 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.**

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

Date issued: **03/06/19**

**B. ROBERT ALLARD, ESQ.**

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

**Attorney For PLAINTIFF - JANE DOE, A MINOR, ET AL.**

(TITLE)

(Proof of service on reverse)

Jane Doe vs. Union School District, et al.  
Santa Clara Superior Court Case No. 19CV343088

ATTACHMENT 3 TO DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS  
RECORDS TO:

**SAN JOSE POLICE DEPARTMENT**  
201 W. Mission Street  
San Jose, CA 95110

**DEFINITIONS**

The following definitions shall govern this Subpoena:

“DOCUMENTS” or “DOCUMENTATION” shall mean and refer to all items delineated  
and/or described in California Evidence Code §250.

**DOCUMENTS TO BE PRODUCED**

1. Any and all DOCUMENTS including but not limited to all recorded interviews and physical evidence (text messages, videos, photos, emails, Facebook messages, etc.) which concern or relate in any way to your investigation into claims, allegations and/or complaints against Samuel Niepp (DOB 10/25/1982) for childhood sexual abuse, inappropriate touching of children and/or sexual abuse of minors including but not limited to those made by or on behalf of Redacted

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>B. ROBERT ALLARD, ESQ. SB# 175592</b> <b>CORSIGLIA, MCMAHON &amp; ALLARD ATTORNEYS AT LAW</b> <b>96 NORTH 3RD STREET SUITE #620</b> <b>SAN JOSE, CA 95112</b> TELEPHONE NO.: <b>408/289-1417</b> FAX NO. (Optional): <b>408/289-8127</b> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>PLAINTIFF - JANE DOE, A MINOR, ET AL.</b>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: <b>191 NORTH FIRST STREET</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN JOSE, CA 95113</b> BRANCH NAME: <b>DOWNTOWN SUPERIOR COURT - CIVIL</b>	
PLAINTIFF/ PETITIONER: <b>JANE DOE, A MINOR, ET AL.</b> DEFENDANT/ RESPONDENT: <b>UNION SCHOOL DISTRICT, ET AL.</b>	CASE NUMBER: <b>19CV343088</b>
<b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)	

**NOTICE TO CONSUMER OR EMPLOYEE**

**TO (name):** UNION SCHOOL DISTRICT, JACQUELINE HORJES, ET AL. c/o MARK E. DAVIS, ESQ.

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name): JANE DOE, A MINOR, ET AL.** SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): **04/02/19**

The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought): Custodian of Records: SAN JOSE POLICE DEPARTMENT**

A copy of the subpoena is attached. **201 W. MISSION ST. SAN JOSE, CA 95110**

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
- a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
  - b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: **03/06/19**

**B. ROBERT ALLARD, ESQ.**

(TYPE OR PRINT NAME)

(SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

**OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS**

1.  I object to the production of all of my records specified in the subpoena.
2.  I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse )

PLAINTIFF/PETITIONER: <b>JANE DOE, A MINOR, ET AL.</b>	CASE NUMBER: <b>19CV343088</b>
DEFENDANT/RESPONDENT: <b>UNION SCHOOL DISTRICT, ET AL.</b>	

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
  - a.  **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
  - b.  **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: <b>MARK E. DAVIS, ESQ.</b>	(3) Date of mailing: <b>03/06/19</b>
(2) Address: <b>1960 THE ALAMEDA SUITE 210 SAN JOSE, CA 95126</b>	(4) Place of mailing (city and state): <b>SAN JOSE, CA</b>

(5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
  - c. My residence or business address is (specify): **Business: 981 Ridder Park Dr., Ste. 200 San Jose, CA 95131**
  - d. My phone number is (specify): **Business: (408) 441-7000**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **03/06/19**

Joseph DeCastro

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service     Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
  - a. ON THE REQUESTING PARTY
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
  - b. ON THE WITNESS
    - (1)  **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - (2)  **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify):
4. My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>B. ROBERT ALLARD, ESQ. SB# 175592</b> <b>CORSIGLIA, MCMAHON &amp; ALLARD ATTORNEYS AT LAW</b> <b>96 NORTH 3RD STREET SUITE #620</b> <b>SAN JOSE, CA 95112</b> TELEPHONE NO.: <b>408/289-1417</b> FAX NO. (Optional): <b>408/289-8127</b> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>PLAINTIFF - JANE DOE, A MINOR, ET AL.</b>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: <b>191 NORTH FIRST STREET</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN JOSE, CA 95113</b> BRANCH NAME: <b>DOWNTOWN SUPERIOR COURT - CIVIL</b>	
PLAINTIFF/ PETITIONER: <b>JANE DOE, A MINOR, ET AL.</b> DEFENDANT/ RESPONDENT: <b>UNION SCHOOL DISTRICT, ET AL.</b>	CASE NUMBER: <b>19CV343088</b>
<b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)	

**NOTICE TO CONSUMER OR EMPLOYEE**

**TO (name): SAMUEL NIEPP c/o CHRISTOPHER E. SCHUMB, ESQ.**

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name): JANE DOE, A MINOR, ET AL.** SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): **04/02/19**  
 The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought): Custodian of Records: SAN JOSE POLICE DEPARTMENT**  
 A copy of the subpoena is attached. **201 W. MISSION ST. SAN JOSE, CA 95110**
2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
  - a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
  - b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: **03/06/19**

**B. ROBERT ALLARD, ESQ.**

(TYPE OR PRINT NAME)

(SIGNATURE OF  REQUESTING PARTY  ATTORNEY)

**OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS**

1.  I object to the production of all of my records specified in the subpoena.
2.  I object only to the production of the following specified records:
3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse )

PLAINTIFF/PETITIONER: <b>JANE DOE, A MINOR, ET AL.</b>	CASE NUMBER: <b>19CV343088</b>
DEFENDANT/RESPONDENT: <b>UNION SCHOOL DISTRICT, ET AL.</b>	

**PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**  
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service  Mail

- At the time of service I was at least 18 years of age and **not a party to this legal action.**
- I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
  - Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
  - Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(1) Name of person served: <b>CHRISTOPHER E. SCHUMB, ESQ.</b>	(3) Date of mailing: <b>03/06/19</b>
(2) Address: <b>10 ALMADEN BLVD. SUITE 1250</b>	(4) Place of mailing (city and state):
<b>SAN JOSE, CA 95113-2233</b>	<b>SAN JOSE, CA</b>

(5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
  - My residence or business address is (specify): **Business: 981 Ridder Park Dr., Ste. 200 San Jose, CA 95131**
  - My phone number is (specify): **Business: (408) 441-7000**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **03/06/19**

Joseph DeCastro

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

**PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS**

(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service  Mail

- At the time of service I was at least 18 years of age and **not a party to this legal action.**
- I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
  - ON THE REQUESTING PARTY**
    - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
  - ON THE WITNESS**
    - Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
    - Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
- My residence or business address is (specify):
- My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

(PROOF OF SERVICE BY MAIL - C.C.P. 1013A)

I am employed in the county of SANTA CLARA, my business address is 981 RIDDER PARK DRIVE, SAN JOSE, CA 95131, I am over the age of eighteen (18), and am not a party to the within action(s). I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence described below will be deposited with the United States Postal Service today in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit. I served the within copy: NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION, DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS, on the below listed entities in said actions by placing said documents in a sealed envelope with postage fully prepaid and addressed as follows:

**DAVIS & YOUNG, APLC**  
**ATTORNEYS AT LAW**  
**1960 THE ALAMEDA**  
**SUITE 210**  
**SAN JOSE, CA 95126**  
**ATTN: MARK E. DAVIS, ESQ.**  
**Represents: DEFENDANTS**  
**Name: UNION SCHOOL DISTRICT, JACQUELINE**  
**HORJES, ET AL.**

**CHRISTOPHER E. SCHUMB**  
**ATTORNEY AT LAW**  
**10 ALMADEN BLVD.**  
**SUITE 1250**  
**SAN JOSE, CA 95113-2233**  
**ATTN: CHRISTOPHER E. SCHUMB, ESQ.**  
**Represents: DEFENDANT**  
**Name: SAMUEL NIEPP**

and that they were deposited on 03/06/19 for deposit in the United States Postal Service and that the envelope was sealed and placed for collection and mailing that date at Quest Discovery Services, 981 RIDDER PARK DRIVE, SAN JOSE, CA 95131, following ordinary business practices.

DATED: 03/06/19 AT SAN JOSE, CALIFORNIA

I Declare under penalty of perjury that the foregoing is true and correct.

***This form was printed for  
all subpoenas in this series***



signature