

SEB Legal
Sam Bell (10791)
Jalyn Peterson (12624)
2225 East Murray Holladay Rd., Suite 111
Salt Lake City, UT 84117
(801) 449-9749
(801) 274-0049 Fax
jalyn@seblegal.com
Attorneys for Respondent

**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF: JARED BRENT MUIR, Respondent.	SUBPOENA DUCES TECUM (No appearance necessary if records are produced) Docket No. SD-13-0008
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TO: T-Mobile
12920 South East 38th Street
Bellview, WA 98006-1350

YOU ARE COMMANDED, under Utah Codes § 63G-4-205(2); § 6-1-19(2) and Utah Administrative Code § R151-4-513 to appear and produce records, electronically stored information or other tangible things in the above entitled action pending in the Department of Commerce, State of Utah, **no later than fourteen (14) days after receiving this subpoena, at the office of SEB Legal, 2225 East Murray-Holladay Rd., Suite 111, Salt Lake City, UT 84117.**

On or prior to that time you are commanded to produce to respondent's attorney copies of the following records, papers, documents, or other tangible things:

1. Records or electronically stored information of all text messages from August 1, 2011 to June 30, 2012 between the respondent, Jared Muir (phone number 801-870-5597), and the petitioner, Lisa Giasi (phone number 805-444-2221), including date, time, and content of the message.

2. Records or electronically stored information of all voicemail from August 1, 2011 to June 30, 2012 between the respondent, Jared Muir (phone number 801-870-5597), and the petitioner, Lisa Giasi (phone number 805-444-2221), including date, time and content of the message.

3. Records may be provided in either hard copy or on a CD/DVD in PDF. Electronically stored information may be sent on a CD/DVD.

In lieu of appearing at the place and time directed in this subpoena, you may send copies of all requested documents via USPS mail to SEB Legal at the above noted address, no later than fourteen (14) days after receiving this subpoena.

As a subpoenaed organization not a party to this suit, we request that you file a designation with the Division specifying one or more officers, directors, or managing agents, or other persons who consent to testify on the organization's behalf. Such designation shall set forth the matters on which the designated persons will testify or produce documents or things. The designated persons shall testify as to matters known or reasonably available to the organization.

DATED July 12, 2013.

SEB Legal

/s/ Jalyn Peterson

Jalyn Peterson, signed electronically
Attorney for Respondent

APPROVED BY:

 7/15/2013
Presiding Officer

Notice to Persons Served with a Subpoena

(1) Rights and responsibilities in general. A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(2) Subpoena to copy and mail documents. If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

(3) Subpoena to appear. If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

(A) If you are a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you reside;
- in which you are employed;
- in which you transact business in person; or
- in which the court orders.

(B) If you are not a resident of Utah, the subpoena may command you to appear or to produce documents, electronic records or tangible things or to permit inspection of premises in the county:

- in which you are served with the subpoena; or
- in which the court orders.

(4) Subpoena to permit inspection of premises. If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.

(5) Subpoena to produce documents or tangible things. If the subpoena commands you to produce documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You must produce with the documents or tangible things a Declaration of Compliance with Subpoena stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A Declaration of Compliance with Subpoena form is part of this Notice; you may need to modify it to fit your circumstances.

(6) Objection to a subpoena. You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:

- (A) fails to allow you a reasonable time for compliance (If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance.);
- (B) requires you, as a resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county in which you do not reside, are not employed, or do not transact business in person, unless the judge orders otherwise;
- (C) requires you, as a non-resident of Utah, to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise;
- (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
- (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
- (F) subjects you to an undue burden; or
- (G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(7) How to object. To object to the subpoena, serve the Objection to Subpoena on the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. An Objection to

Subpoena form is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

(8) Motion to compel. After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You have the right to be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

(9) Organizations. An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. URCP 30(b)(6).

My Name _____
Address _____
Phone _____
Email _____

**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

Court Address _____

IN THE MATTER OF:

JARED BRENT MUIR,

Respondent.

**Declaration of Compliance with
Subpoena**

Case Number _____

Judge _____

Commissioner _____

- (1) I have knowledge of the facts contained in this declaration.
- (2) The documents or tangible things copied or produced are a full and complete response to the subpoena.
- (3) The documents or tangible things are
- the originals.
 - copies that are true copies of the originals.
- (4) The reasonable cost of copying or producing the documents or tangible things is \$_____.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Declaration of Compliance with Subpoena is true and correct.

Date _____ Sign here ► _____
Typed or printed name
Custodian of the records
Attorney for the custodian of the records _____

Certificate of Service

I certify that I served a copy of this Declaration of Compliance with Subpoena on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____

Sign here ► _____

Typed or printed name _____

My Name _____
Address _____
Phone _____
Email _____

**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

Court Address _____

IN THE MATTER OF:

JARED BRENT MUIR,

Respondent.

Objection to Subpoena

Case Number _____

Judge _____

Commissioner _____

Instructions: URCP 45 limits the grounds for an objection. For each of the grounds other than (2) or (3) please provide a full explanation. Attach additional sheets as necessary.

I have been served with a subpoena in this case, and I object because the subpoena:

(1) Fails to allow me a reasonable time in which to comply.

(2) Requires me, a resident of Utah, to:

- appear at a deposition;
- produce documents, electronic records or tangible things; or
- permit inspection of premises

in a county in which I do not reside, am not employed, and do not transact business in person.

(3) Requires me, a non-resident of Utah, to:

- appear at a deposition;
- produce documents, electronic records or tangible things; or
- permit inspection of premises

in a county other than the county in which I was served.

(4) Requires me to disclose privileged or other protected matter and no exception or waiver applies.

Instructions for (4): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(5) Requires me to disclose a trade secret or other confidential research, development, or commercial information.

Instructions for (5): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(6) Subjects me to an undue burden.

(7) Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(8) Other.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Objection to Subpoena is true and correct.

Date _____ Sign here ► _____

 Typed or printed name
 Person subject to subpoena
 Attorney for person subject to subpoena

Certificate of Service			
I certify that I served a copy of this Objection to Subpoena on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

 Typed or printed name