

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA

JERRY BURD,

Plaintiff,

vs.

LORI COLE, an individual,
JOHN DOE NOS. 1-57, individuals
JANE DOE NOS. 1-57, individuals,

Defendants,

Case No. CJ 2006 03717

Judge Ronald L. Shaffer

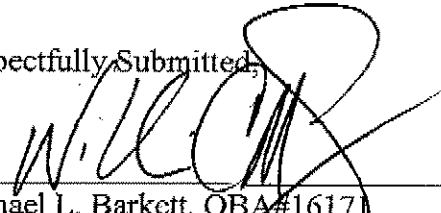
NOTICE OF SUBPOENA DUCES TECUM

To : Timothy G. Best, Esq.
Trevor A. Dennis, Esq.
BEST & SHARP
100 West 5th Street, Suite 808
Tulsa, Oklahoma 74103-4225

Please take notice that Plaintiff, Jerry Burd, has caused to be issued the *Subpoena Duces Tecum* in the above captioned matter, attached hereto as Exhibits A & B. He has requested and required that documents described therein be produced at the offices of GRAVES & BARKETT, PLLC, 1437 S. Boulder, Suite 1010, Tulsa, Oklahoma 74119 on the 10th day of July, 2006. Pursuant to the Oklahoma Discovery Code, we will provide you with copies of those documents received.

Respectfully Submitted,

By:


Michael L. Barkett, OBA #16171
William C. McLain, OBA #19349
GRAVES & BARKETT, PLLC
1437 S. Boulder, Suite 1010
Tulsa, Oklahoma 74119
Phone: (918) 582-6900
Facsimile: (918) 582-6907

Attorneys for Jerry Burd

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA

JERRY BURD,)
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 Plaintiff,)
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 vs.)
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 LORI COLE, an individual,)
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 Defendants,)

Case No. CJ 2006 03717
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SUBPOENA DUCES TECUM

THE STATE OF OKLAHOMA,

TO: **Compliance Department**
Domains by Proxy
15111 N. Hayden Road, Suite 160
PMB 353
Scottsdale, Arizona 85260

Via facsimile to 480-624-2546
Attn: Compliance Department

GREETINGS:

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the books, documents or tangible things listed below. You can comply with this *Subpoena Duces Tecum* by doing one of the following:

1) Produce the original materials at the offices of GRAVES & BARKETT, PLLC, 1437 S. Boulder, Suite 1010, Tulsa, Oklahoma 74119, on the 10th day of July, 2006, and allow reasonable time and opportunity for the material to be copied by us at our expense; or

2) Produce a copy of the original materials at our offices on or before the date set forth in the preceding paragraph. This can be accomplished by bringing or mailing the materials to our office. *Financial arrangements for expenses relating to such copying must be made prior to copying being done.*



This *Subpoena Duces Tecum* requires that you produce for copying and inspection the following materials:

Any and all information pertaining to the website/message board "sperrypublic.com", including, but not limited to

- a) Site originator's name, address, telephone number and any other identifying information;
- b) Copies of all messages posted on "sperrypublic.com" from its inception to present;
- c) The identification of each and every person registered at "sperrypublic.com", including, but not limited to
 1. Jay Bird;
 2. Ztrace;
 3. Ima spy;
 4. Proconsul;
 5. Bartman;
 6. Dubya;
 7. Burdbuster;
 8. Fair lady;
 9. Jlkagain;
 10. Achilles;
 11. Bareback;
 12. Wonder Woman;
 13. Wanna_be_a_pirate.
- d) a list of each and every complete email address with the corresponding member / chat pseudonym for each and every person

registered at "sperrypublic.com";

e) all documents completed by the site originator and/or all site registrants, including, but not limited to applications, fee agreements, contracts and the like

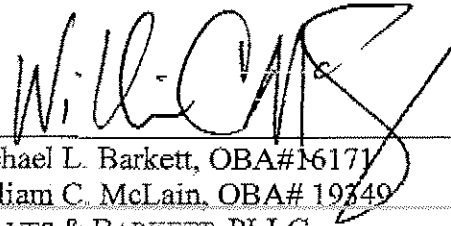
This *Subpoena* is authorized pursuant to 12 O.S. §2004.1, as amended effective October 1, 1993. Under the terms of subsection (B)(1) of said statute, all parties to this case are being given notice that this *Subpoena* has been served. 12 O.S. §2004.1(C)(2)(b) allows the person to whom this *Subpoena* is directed fourteen (14) days from the date of service to file any legal objections hereto.

In order to allow objection to the production of documents and things to be filed, you should not produce the requested documents until the date specified in this subpoena, and if an objection is filed, you should not produce the requested documents until the Court has ruled upon the objection. 12 O.S. §2004.1(D)(2) provides that 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.

HEREOF FAIL NOT, UNDER PENALTY OF LAW.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the City of Tulsa this 22nd day of June, 2006.

By:



Michael L. Barkett, OBA#16171

William C. McLain, OBA# 19349

GRAVES & BARKETT, PLLC

1437 S. Boulder, Suite 1010

Tulsa, Oklahoma 74119

(918) 582-6900

(918) 582-6907 (f)

*Officers of the Court and Attorneys for Jerry
Burd*

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JERRY BURD,)
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 Plaintiff,)
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 vs.)
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 LORI COLE, an individual,)
 JOHN DOE NOS. 1-57, individuals)
 JANE DOE NOS. 1-57, individuals,)
)
 Defendants,)

Case No. CJ 2006 03717
 Judge Ronald L. Shaffer

SUBPOENA DUCES TECUM

THE STATE OF OKLAHOMA,

TO: Compliance Department
 GoDaddy.com, Inc.
 14455 North Hayden Road, Suite 219
 Scottsdale, AZ 85260

Via facsimile to 480-624-2546
 Attn: Compliance Department

GREETINGS:

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the books, documents or tangible things listed below. You can comply with this *Subpoena Duces Tecum* by doing one of the following:

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HEREOF FAIL NOT, UNDER PENALTY OF LAW.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the City of Tulsa this 22nd day of June, 2006.

By:



Michael L. Barkett, OBA#16171
William C. McLain, OBA#19349
GRAVES & BARKETT, PLLC
1437 S. Boulder, Suite 1010
Tulsa, Oklahoma 74119
(918) 582-6900
(918) 582-6907 (f)

*Officers of the Court and Attorneys for Jerry
Burd*

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA

DISTRICT COURT
FILED

JUN 22 2006

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

JERRY BURD,)
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 Plaintiff,)
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 vs.)
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 LORI COLE, JOHN DOES NOS. 1-57, and)
 JANE DOES NOS. 1-57,)
)
 Defendants.)

Casc No. CJ 2006-3717-Shaffer

**ORDER TO PRESERVE EVIDENCE IN POSSESSION OF NON-PARTIES
GODADDY.COM, INC. AND DOMAINS BY PROXY INC.**

NOW on this 22 day of June, 2006, comes on for hearing *Plaintiff's Motion for Order to Preserve Evidence in Possession of Non-Parties*. Having read the briefs, and having heard the arguments of counsel, the Court finds, as follows:

1) Non-party GoDaddy.Com should preserve all electronic and documentary information pertaining to the "sperrypublic.com" website, including, but not limited to, all postings, e-mail address information, electronic identifying information of persons posting messages on the site, billing and payment information for the site, and the like.

2) Non-party Domains by Proxy, Inc., should preserve all electronic and documentary information pertaining to the "sperrypublic.com" website, including, but not limited to, all postings, e-mail address information, electronic identifying information of persons posting messages on the site, billing and payment information for the site, and

the like. *Nothing to be produced until further order of this court.*

IT IS SO ORDERED this 22 day of June, 2006.



HON. RONALD L. SHAFFER
JUDGE OF THE DISTRICT COURT

Prepared by:

Michael L. Barkett, OBA #16171
William C. McLain, OBA #19349
GRAVES & BARKETT, PLLC
1010 Boulder Towers
1437 South Boulder Avenue
Tulsa, Oklahoma 74119
Phone: (918) 582-6900
Fax: (918) 582-6907

Attorneys for Plaintiff, Jerry Burd