

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.


The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **GLADYS AVANCINI** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Gladys Avancini at her residence, located at 126 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:45 p.m.

MANNER OF SERVICE: accomplished by hand delivery to Gladys Avancini at her residence, located at 126 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:45 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 1:45 p.m.

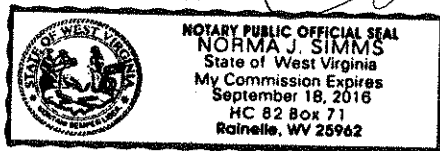


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: GLADYS AVANCINI
PRIMROSE LANE
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear in the United States District Court for the Southern District of West Virginia,
Beckley Division, at the place, date and time specified below to:

testify in the taking of a deposition in the above-styled case; or

testify in a hearing in the above-styled case; or

testify in the trial of the above-styled case.

to produce and permit inspection of and copying of designated books, documents or tangible things in your
possession, custody or control, as follows:

to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office
address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A persona commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

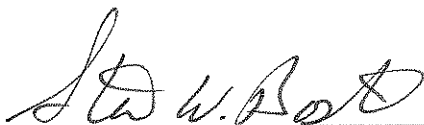
The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **AMY SMITH** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Amy Smith at her residence, located at 48 Bedford Court, Frazier's Bottom, West Virginia on the 30th day of June, 2011 at 9:02 a.m.

MANNER OF SERVICE: by hand delivery to Amy Smith at her residence, located at 48 Bedford Court, Frazier's Bottom, West Virginia on the 30th day of June, 2011 at 9:02 a.m.

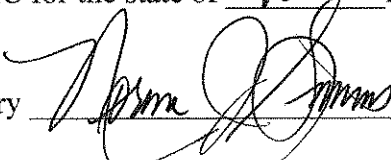
SERVICE WAS ACCOMPLISHED: on the 30th day of June, 2011 at 9:02 a.m.

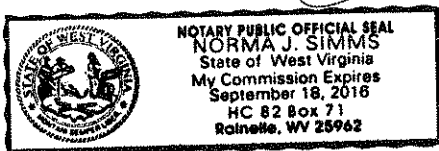


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: AMY SMITH
48 BEDFORD COURT
FRAZIER'S BOTTOM, WV 25802

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.

- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A persona commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **BRIAN BJORK** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Brian Bjork at his place of employment, Beckley Appalachian Regional Hospital Emergency Department, located on Stanaford Road, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:59 p.m.

MANNER OF SERVICE: hand delivery to Brian Bjork at his place of employment, Beckley Appalachian Regional Hospital Emergency Department, located on Stanaford Road, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:59 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 2:59 p.m.

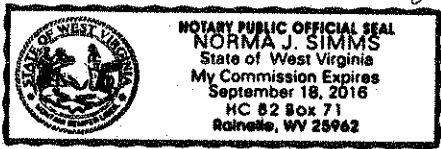


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: BRIAN BJORK, R.N.
RALEIGH COUNTY MEDICAL EXAMINER
465 OAK GROVE ROAD
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.
- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

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AFFIDAVIT OF PROCESS SERVER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,**
Plaintiff,

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,**
Defendants.

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.


The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **ZIA SABET, M.D.** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on June 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Zia Sabet, M.D. at the Department of Health and Human Services in the Office of the Chief Medical Examiner, located at 619 Virginia Street, Charleston, West Virginia on the 30th day of June, 2011 at 10: 35 a.m.

MANNER OF SERVICE: by hand delivery to Zia Sabet, M.D. at the Department of Health and Human Services in the Office of the Chief Medical Examiner, located at 619 Virginia Street, Charleston, West Virginia on the 30th day of June, 2011 at 10: 35 a.m.

SERVICE WAS ACCOMPLISHED: on the 30th day of June, 2011 at 10: 35 a.m.

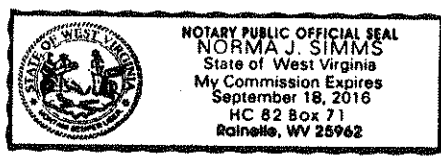


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
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AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: Zia Sabet, M.D.
Office of the Chief Medical Examiner
619 Virginia Street, West
Charleston, WV 25302

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear in the United States District Court for the Southern District of West Virginia,
Beckley Division, at the place, date and time specified below to:
 testify in the taking of a deposition in the above-styled case; or
 testify in a hearing in the above-styled case; or
 testify in the trial of the above-styled case.

to produce and permit inspection of and copying of designated books, documents or tangible things in your
possession, custody or control, as follows:
 to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection: Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER JULY 11, 2011, AT 9:00 A.M.
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office
address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

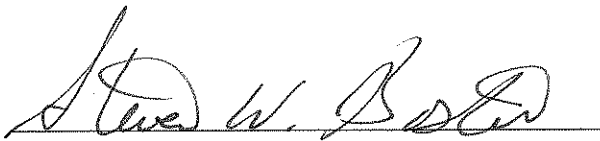
The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **MICHAEL JENKINS** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Michael Jenkins in the parking lot of the CVS Pharmacy, located in Athens, Mercer County, on the 29th day of June, 2011 at 5:02 p.m.

MANNER OF SERVICE: hand delivery to Michael Jenkins in the parking lot of the CVS Pharmacy, located in Athens, Mercer County, hand delivery to Michael Jenkins in the parking lot of the CVS Pharmacy, located in Athens, Mercer County, on the 29th day of June, 2011 at 5:02 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 5:02 p.m.

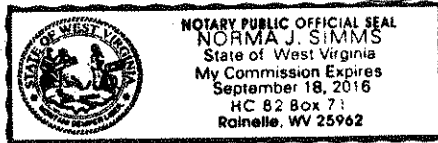


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: MICHAEL JENKINS
POST OFFICE BOX 52
PRINCETON, WV 24740

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.

- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: April 20, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

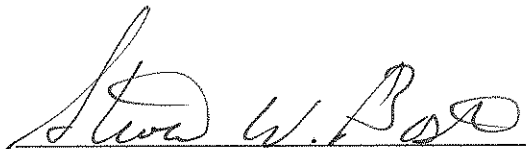
The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **HAROLD DONALD BURNSIDE** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Harold Donald Burnside at the office of Mabscott Fire Department, Mabscott, Raleigh County, West Virginia, on the 29th day of June, 2011 at 2:19 p.m.

MANNER OF SERVICE: hand delivery to Harold Donald Burnside at the office of Mabscott Fire Department, Mabscott, Raleigh County, West Virginia, on the 29th day of June, 2011 at 2:19 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 2:19 p.m.

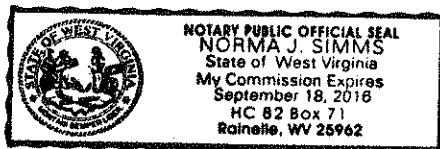


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: HAROLD DONALD BURNSIDE
POST OFFICE BOX 155
MABSCOTT, WV 25871

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.

- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

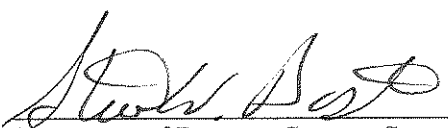
The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **ELMER REDDEN** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Dora Redden, the wife of Elmer Redden, an individual over the age of 16 years and a resident of the residence shared by Elmer and Dora Redden located at 133 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:00 p.m.

MANNER OF SERVICE: hand delivery to Dora Redden, the wife of Elmer Redden, an individual over the age of 16 years and a resident of the residence shared by Elmer and Dora Redden located at 133 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:00 p.m.


SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 2:00 p.m.

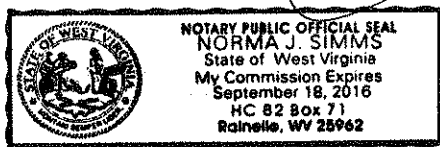


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary  _____



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: ELMER REDDEN
133 PRIMROSE LANE
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear in the United States District Court for the Southern District of West Virginia,
Beckley Division, at the place, date and time specified below to:

testify in the taking of a deposition in the above-styled case; or

testify in a hearing in the above-styled case; or

testify in the trial of the above-styled case.

to produce and permit inspection of and copying of designated books, documents or tangible things in your
possession, custody or control, as follows:

to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office
address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **PHIL HONAKER** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Glena Honaker, the wife of Phil Honaker, an individual over the age of 16 years, and a resident of the residence shared by Phil and Glena Honaker, located at 127 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:05 p.m.

MANNER OF SERVICE: by hand delivery to Glenna Honaker, the wife of Phil Honaker, an individual over the age of 16 years, and a resident of the residence shared by Phil and Glenna Honaker, located at 127 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 2:05 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 2:05 p.m.

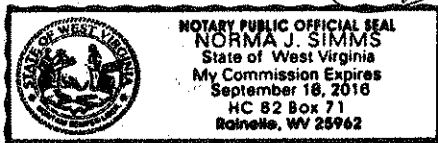


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: PHIL HONAKER
CABELL HEIGHTS ROAD
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.

- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.

AFFIDAVIT OF PROCESS SERVER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **EDWARD COLEMAN UNDERWOOD** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Edward Coleman Underwood at his residence, located at 142 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:52 p.m.

MANNER OF SERVICE: by hand delivery to Edward Coleman Underwood at his residence, located at 142 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:52 p.m.

SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 1:52 p.m.

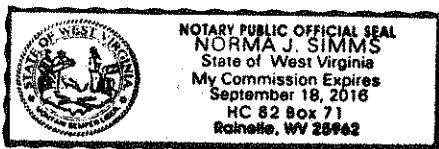


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: EDWARD COLEMAN UNDERWOOD
142 PRIMROSE LANE
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

to appear in the United States District Court for the Southern District of West Virginia,
Beckley Division, at the place, date and time specified below to:

___ testify in the taking of a deposition in the above-styled case; or

___ testify in a hearing in the above-styled case; or

testify in the trial of the above-styled case.

___ to produce and permit inspection of and copying of designated books, documents or tangible things in your
possession, custody or control, as follows:

___ to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office
address of the attorney requesting this subpoena.

AFFIDAVIT OF PROCESS SERVER

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MARY WEBB, individually, and in
Her capacity as Administratrix of the
Estate of Robert A. Webb,
Plaintiff,**

v.

Civil Action Number: 5:09-cv-1253

**RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,
Defendants.**

I, Steven W. Bostic, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action and that within the boundaries of the state where service was affected, I was authorized by law to perform said service.

The below listed document was received by the undersigned process server
June 21, 2011

Civil Case Subpoena

SERVICE: Service on **MARTHA BLEVINS** of the CIVIL CASE SUBPOENA to appear in the United States District Court for the Southern District of West Virginia, Beckley Division in the Courtroom of Honorable Irene C. Berger, 110 North Heber Street, Beckley, Raleigh County, West Virginia to testify in the trial of the above-styled case on July 11, 2011 at 9:00 a.m. was accomplished by hand delivery to Mckenzie Watkins, the granddaughter of Martha Blevins, an individual over the age of 16 years, and a resident of the residence shared by Martha Blevins and Mckenzie Watkins, located at 150 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:55 p.m.

MANNER OF SERVICE: by hand delivery to Mckenzie Watkins, the granddaughter of Martha Blevins, an individual over the age of 16 years, and a resident of the residence shared by Martha Blevins and Mckenzie Watkins, located at 150 Primrose Lane, Beckley, Raleigh County, West Virginia on the 29th day of June, 2011 at 1:55 p.m.

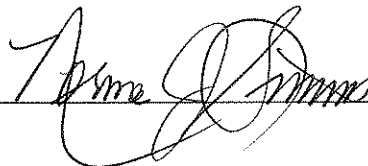
SERVICE WAS ACCOMPLISHED: on the 29th day of June, 2011 at 1:55 p.m.

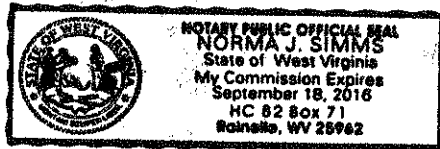


Signature of Process Server, Steven W. Bostic

SUBSCRIBED AND SWORN to before me this 1st day of July, 2011

NOTARY PUBLIC for the state of WV My Commission Expires September 18, 2016

Signature of Notary 



CIVIL CASE SUBPOENA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiff,

v.

Civil Action No. 5:09-cv-1253

RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually, and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

TO: MARTHA BLEVINS
150 PRIMROSE LANE
BECKLEY, WV 25801

YOU ARE HEREBY COMMANDED [mark all that apply]

- to appear in the United States District Court for the Southern District of West Virginia, Beckley Division, at the place, date and time specified below to:
 - testify in the taking of a deposition in the above-styled case; or
 - testify in a hearing in the above-styled case; or
 - testify in the trial of the above-styled case.

- to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:
- to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

COURTROOM OF HONORABLE IRENE C. BERGER
UNITED STATES DISTRICT COURT for the
SOUTHERN DISTRICT OF WV At BECKLEY
110 NORTH HEBER STREET
BECKLEY, WV 25801

JULY 11, 2011, AT 9:00 A.M.

Issued by: Chip E. Williams

Signature: _____

Bar Identification No., if applicable: 8116

Date Issued: June 21, 2011

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting this subpoena.

W.Va.R.Civ.P.45(c). *Place of the examination.* - A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W.Va.R.Civ.P.45(d). *Protection of persons subject to subpoenas.* - (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

W.Va.R.Civ.P.45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) 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.