

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorneys for Plaintiffs CAL LeDUC; TORI ABBY; MILEY ABBY, a minor, by and through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor in interest to the estate of Marsha Kay LeDuc,

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

CAL LeDUC; TORI ABBY; MILEY ABBY, a minor, by and through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor in interest to the estate of Marsha Kay LeDuc,

Plaintiffs,

v.

GENERAL MOTORS LLC; TOYOTA MOTOR CORPORATION; NEW UNITED MOTOR MANUFACTURING, INC.; TROSS, INC. (F/K/A QUALITY SAFETY SYSTEMS COMPANY); TRW AUTOMOTIVE GMBH (F/K/A TRW GmbH; F/K/A TRW Repa GmbH) TRW CANADA LIMITED; MARIO ALBERTO GUERRA; DANIEL M. CANCHOLA; GUERRA PRODUCE; and DOES 1 to 50, inclusive,

CASE NO.: 13 CE CG 03811 MWS

**NOTICE OF TAKING DEPOSITION
WITH PRODUCTION OF DOCUMENTS**

NOTICE OF TAKING DEPOSITION WITH PRODUCTION OF DOCUMENTS

1 Defendants. }

2
3 **TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY**
4 **HEREIN:**

5 NOTICE IS HEREBY GIVEN THAT said Plaintiffs will take the deposition
6 of **ARCIE (Last Name Unknown)** of State Farm, 688 N. Alta Avenue, Dinuba,
7 California, (559) 591-3051, upon oral examination on August 29, 2016, at 10:00 a.m., at
8 the offices of Cornwell & Sample, LLP, 7045 N. Fruit Avenue, Fresno, California 93711,
9 before a Certified Shorthand Reporter.

10 PLEASE TAKE FURTHER NOTICE that deponent **ARCIE (Last Name**
11 **Unknown)** is required to produce at said time and place, the following documents and
12 things for copying and examination pursuant to the terms of C.C.P. section 2025.280(a):

13 **DEFINITIONS**

14 **"DOCUMENTS"** shall mean handwriting, typewritings, printing,
15 photostating, photographing, and every other means of recording upon any tangible thing
16 in any form of communication or representation, or as stored digitally in computers as
17 defined by Evidence Code Section 250.

18 **"YOU" or "YOUR" or "YOURS" and "YOU OR ANYONE ACTING**
19 **ON YOUR BEHALF"** includes you, your agents, your employees, your insurance
20 companies, their agents, their employees, your attorneys, your accountants, your
21 investigators, and anyone else acting on your behalf.

22 1. All DOCUMENTS relating to the placement of commercial auto insurance
23 coverage for Mario Alberto Guerra and/or Guerra Produce in place for 2013, 2014, 2015
24 and 2016 for all trucks operated in his business.

25 2. The declarations pages for each year for coverage for Mario Alberto Guerra
26 and/or Guerra Produce for auto coverage.

27 3. The last billings to Mario Alberto Guerra for any insurance.

28 4. All declarations pages for commercial coverage placed on commercial
vehicles used by Mario Alberto Guerra dba Guerra Produce from 2013 to the present.

NOTICE OF TAKING DEPOSITION WITH PRODUCTION OF DOCUMENTS

1 5. All DOCUMENTS setting forth procedures to determine the amount of
2 coverage to be provided for commercial vehicles.

3 6. All DOCUMENTS utilized by YOU and/or YOUR company to determine
4 vehicles that require liability limits of \$750,000.00 for commercial vehicles.

5 7. All DOCUMENTS or procedures YOU utilize to determine what vehicles are
6 commercial vehicles.

7 Said deposition will not be recorded by audio or video tape.

8 If said deposition is not completed on said date, the taking thereof will be
9 continued from day to day thereafter at the same place, Sundays and holidays excepted,
10 until completed.

11 If any interpreter is required to translate testimony, notice of the same must
12 be given within five days before the deposition date and the specific language and/or
13 dialect designated.

14
15
16 DATED: August 2, 2016.

CORNWELL & SAMPLE, LLP

17
18
19 By: 

Stephen R. Cornwell

Attorneys for Plaintiffs

20 CAL LeDUC; TORI ABBY; MILEY ABBY,
21 a minor, by and through her Guardian ad
22 Litem TORI ABBY; MANDY JOBE;
23 LUKUS LeDUC; JAY LeDUC; and
24 CAL LeDUC as successor in interest to the
25 estate of Marsha Kay LeDuc
26
27
28

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NOTICE OF TAKING DEPOSITION WITH PRODUCTION OF DOCUMENTS

Stephen R. Cornwell, CA Bar #40737

CORNWELL & SAMPLE, LLP

7045 N. Fruit Avenue

Fresno, CA 93711

TELEPHONE NO.: (559) 431-3142

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

STREET ADDRESS: 1130 "O" Street

MAILING ADDRESS:

CITY AND ZIP CODE: Fresno, CA 93724

BRANCH NAME: B.F. Sisk Courthouse

PLAINTIFF/PETITIONER: CAL LeDUC, et al.

DEFENDANT/RESPONDENT:GENERAL MOTORS CORPORATION, et al

DEPOSITION SUBPOENA

FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

CASE NUMBER:

13 CE CG 03811 MWS

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

ARCIE (Last Name Unknown)

(559) 591-3051

688 N. Alta Avenue, Dinuba, California

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: 08/29/2016 Time: 10:00 a.m. Address: 7045 N. Fruit Avenue

Fresno, CA 93711

- a. ☐ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. ☒ You are ordered to produce the documents and things described in item 3.
- c. ☒ This deposition will be recorded stenographically ☐ through the instant visual display of testimony and by ☐ audiotape ☐ videotape.
- d. ☐ This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
SEE ATTACHMENT 3.
- ☒ Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

☐ Continued on Attachment 4.
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: August 2, 2016

Stephen R. Cornwell, CA Bar #40737

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney at Law

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-020 [Rev. January 1, 2009]

**DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS**

Legal 2 Solutions Plus

Code of Civil Procedure §§ 2020.510,
2025.220, 2025.230, 2025.250, 2025.620;
Government Code, § 68097.1

LP0001173

PLAINTIFF/PETITIONER: CAL LeDUC, et al.

CASE NUMBER:

DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al

13 CE CG 03811 MWS

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENTS AND THINGS**

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1) ☐ were paid. Amount: \$ _____

(2) ☐ were not paid.

(3) ☐ were tendered to the witness's
public entity employer as
required by Government Code
section 68097.2. The amount
tendered was (*specify*): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

a. ☐ Not a registered California process server

b. ☐ California sheriff or marshal

c. ☐ Registered California process server

d. ☐ Employee or independent contractor of a registered California process server

e. ☐ Exempt from registration under Business and Professions Code section 22350(b)

f. ☐ Registered professional photocopier

g. ☐ Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

Attachment 3

DEFINITIONS

“DOCUMENTS” shall mean handwriting, typewritings, printing, photostating, photographing, and every other means of recording upon any tangible thing in any form of communication or representation, or as stored digitally in computers as defined by Evidence Code Section 250.

“YOU” or “YOUR” or “YOURS” and “YOU OR ANYONE ACTING ON YOUR BEHALF” includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

1. All DOCUMENTS relating to the placement of commercial auto insurance coverage for Mario Alberto Guerra and/or Guerra Produce in place for 2013, 2014, 2015 and 2016 for all trucks operated in his business.
2. The declarations pages for each year for coverage for Mario Alberto Guerra and/or Guerra Produce for auto coverage.
3. The last billings to Mario Alberto Guerra for any insurance.
4. All declarations pages for commercial coverage placed on commercial vehicles used by Mario Alberto Guerra dba Guerra Produce from 2013 to the present.
5. All DOCUMENTS setting forth procedures to determine the amount of coverage to be provided for commercial vehicles.
6. All DOCUMENTS utilized by YOU and/or YOUR company to determine vehicles that require liability limits of \$750,000.00 for commercial vehicles.
7. All DOCUMENTS or procedures YOU utilize to determine what vehicles are commercial vehicles.

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On August 3, 2016, I served the within documents:

NOTICE OF TAKING DEPOSITION WITH PRODUCTION OF DOCUMENTS

☐

BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐

BY HAND: by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒

BY MAIL: by placing the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

☐

BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐

BY PERSONAL DELIVERY: by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below

Richard A. Belardinelli
GEORGESON AND BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720
Facsimile: (559) 447-0747

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Facsimile: (559) 442-1659

Gregory S. Mason
MCCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720
Facsimile: (559) 433-2300

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on August 3, 2016, at Fresno, California.


Yeh Xiong