

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>ROGER T. NUTTALL #42500</b> <b>NUTTALL &amp; COLEMAN</b> 2445 Capitol Street, Suite 150 Fresno, California 93721 TELEPHONE NO.: (559) 233-2900 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>LARISSA SCHUSTER</b>		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>FRESNO</b> STREET ADDRESS: 1100 Van Ness MAILING ADDRESS: CITY AND ZIP CODE: Fresno, California 93721 BRANCH NAME: Central Division		
CASE NAME: <b>PEOPLE vs. LARISSA SCHUSTER</b>		
<b>ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS:</b> Subpoena/Subpoena Duces Tecum		CASE NUMBER: <b>F03904715-0</b>

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

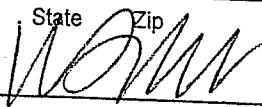
1. To: (name or business) THE FRESNO BEE, Custodian of Records 1626 E. Street, Fresno, CA 93786

2. You must follow the court order(s) checked below:

- a.  Attend the hearing.
- b.  Attend the hearing and bring all items checked in c. below.
- c.  Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
  - (1) SEE ATTACHMENT
  - (2) \_\_\_\_\_
  - (3) \_\_\_\_\_
- If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
- d.  If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
- e.  If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

3. Court Hearing Date: Date: Feb. 1, 2008 Time: 8:30 a.m. The court hearing will be at (name and address of court):  
 Dept.: 54 Rm.: \_\_\_\_\_ FRESNO COUNTY SUPERIOR COURT  
1100 Van Ness, Fresno, California 93721

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:  
 Name: ROGER T. NUTTALL, Esq. Phone No.: 559-233-2900  
 Address: 2445 Capitol Street, Suite 150  
Number, Street, Apt. No.  
Fresno CA 93721  
City State Zip  
 Date: January 23, 2008 Signature  Name and Title

FOR COURT USE ONLY

CASE NAME: <b>PEOPLE vs. LARISSA SCHUSTER</b>	CASE NUMBER: <b>F03904715-0</b>
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- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
  - (1) Case name
  - (2) Case number
  - (3) Your name
  - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in  item 3 or  The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

**Proof of Service of CR-125/JV-525**

1. I personally served a copy of this subpoena on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

Name of the person served: \_\_\_\_\_  
At this address: \_\_\_\_\_

After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): \_\_\_\_\_

Mailed from (city): \_\_\_\_\_

2. I received this order for service on (date): \_\_\_\_\_ and was not able to serve (name of person) \_\_\_\_\_ after (number of attempts) \_\_\_\_\_ attempts because:

- a.  The person is not known at this address.
- b.  The person moved and the forwarding address is not known.
- c.  There is no such address.
- d.  The address is in a different county.
- e.  I was not able to serve by the hearing date.
- f.  Other (explain): \_\_\_\_\_

3. Server's name: \_\_\_\_\_ Phone no. \_\_\_\_\_

4. The server (check one)

- a.  is a registered process server.
- b.  is not a registered process server.
- c.  is a sheriff, marshal, or constable.
- d.  works for a registered process server.
- e.  is exempt from registration under Business and Professional Code section 22350(b).

5. Server's address: \_\_\_\_\_

If server is a registered process server:

County of registration: \_\_\_\_\_ Registration no.: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: \_\_\_\_\_

▶ \_\_\_\_\_

TYPE OR PRINT NAME OF SERVER

▶ \_\_\_\_\_

SIGNATURE OF SERVER

1           **ROGER T. NUTTALL #42500**  
2           **NUTTALL & COLEMAN**  
3           2445 CAPITOL STREET, SUITE 150  
4           FRESNO, CALIFORNIA 93721  
5           PHONE (559) 233-2900  
6           FAX (559) 485-3852

7           ATTORNEYS FOR LARISSA SCHUSTER

8                           **SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO**

9   **CENTRAL DIVISION**

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11           THE PEOPLE OF THE STATE OF  
12           CALIFORNIA,

13                           Plaintiffs,

14   vs.

15           LARISSA SCHUSTER,

16                           Defendant.

Case No.: F03904715-0

17   **SUBPOENA DUCES TECUM**  
18   **ATTACHMENT TO ITEM 2.C.**

19   **PROVIDE THESE ITEMS**

20           Please provide to us an estimate of any costs associated with compliance with the  
21           subpoena duces tecum prior to providing the requested material or information.

22           Please provide the following information:

- 23           1.     For all users who have visited [www.fresnobee.com](http://www.fresnobee.com); [www.fresnobeehive.com](http://www.fresnobeehive.com); or  
24           any other internet site associated with The Fresno Bee.
- 25           2.     Please provide the internet protocol (IP) addresses and dates of access for those  
26           users described in 1 above who accessed or viewed or commented regarding any  
27           articles, videos, weblogs, and/or comments posted between October 15, 2007, and  
28           December 12, 2007, regarding the trial of Larissa Schuster.

29           Please provide the information requested in item 1 above in electronic media.  
30           Specifically, if possible, please provide the data in comma delimited ASCII format.

1           **ROGER T. NUTTALL #42500**  
2           **NUTTALL & COLEMAN**  
3           2445 CAPITOL STREET, SUITE 150  
4           FRESNO, CALIFORNIA 93721  
            PHONE (559) 233-2900  
            FAX (559) 485-3852

5           ATTORNEYS FOR LARISSA SCHUSTER

6                           **SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO**

7   **CENTRAL DIVISION**

8   \*\*\*\*\*

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10  
11           THE PEOPLE OF THE STATE OF  
            CALIFORNIA,

Case No.: F03904715-0

12                           Plaintiffs,

13   vs.

14   **AFFIDAVIT IN SUPPORT OF**  
   **SUBPOENA DUCES TECUM**

15           LARISSA SCHUSTER,

16                           Defendant.

17  
18           I, ROGER T. NUTTALL, do hereby declare and affirm that:

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20           1.       I am a duly licensed attorney in the State of California and am a member in good  
            standing of The State Bar of California.

21  
22           2.       That said cause is pending before the Superior Court of California, County of  
            Fresno, Central Division, in Department 54.

23           3.       The Fresno Bee has in its actual or constructive possession, or under its control:

24           a.       the following information is sought:

25                           the internet protocol (IP) addresses and dates of access for those users who  
26                           accessed or viewed or commented regarding any articles, videos, weblogs, and/or  
27                           comments posted between October 15, 2007, and December 12, 2007, regarding  
28                           the trial of Larissa Schuster.

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b. the information is believed to have been stored during the relevant period on the following websites:

www.fresnobee.com; www.fresnobeehive.com or other internet site(s) associated with The Fresno Bee.

4. The materials requested are for the date span between October 15, 2007, to December 12, 2007.

5. Good cause exists for the production of the above-described matters and things for the following reasons:

- a. The above-noted internet site(s) contains extensive information respecting the instant case, much of which constitutes inadmissible evidence/material, said information having been available to, and potentially accessed by, members of the general public, including witnesses and jurors related to the Larissa Schuster case.
- b. The Fresno Bee has these items in its actual or constructive possession, or under its control.
- c. Defendant has no other means to obtain all of these items.

6. The herein requested internet site materials are necessary in the proper representation of Larissa Schuster in order that her counsel may determine the scope of access to the said internet site(s) and as to whether the site(s) was accessed by witnesses and/or jurors.

WHEREFORE, request is made that the Subpoena duces tecum issue.

I swear under penalty of perjury that the foregoing are true and correct to the best of my knowledge and belief as of the time of this affidavit.

EXECUTED this 8<sup>th</sup> day of January, 2008, in Fresno, California.

  
\_\_\_\_\_  
ROGER T. NUTTALL