

FILED IN
DISTRICT COURT
STATE OF UTAH
FEB 24 2005
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Title Process Server
Date 2-24-05 Time 3:00P
P/S Monica

STANLEY J. PRESTON (4119)
MICHAEL R. CARLSTON (0577)
MARALYN M. REGER (8468)
SNOW, CHRISTENSEN & MARTINEAU
Attorneys for Plaintiffs
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145
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IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

RALPH J. YARRO III, an individual,
DARCY G. MOTT, an individual, and
BRENT D. CHRISTENSEN, an individual,

Plaintiffs,

vs.

VAL NOORDA KREIDEL, an individual,
TERRY PETERSON, an individual,
WILLIAM MUSTARD, an individual, THE
NOORDA FAMILY TRUST, a Trust,
RAYMOND J. NOORDA, an individual
and a trustee of the Noorda Family Trust,
LEWENA NOORDA, an individual and a
trustee of the Noorda Family Trust, and
JOHN DOES 1 THROUGH 10,

Defendants,

THE CANOPY GROUP, INC., a Utah
corporation,

Intervenor Defendant.

**SUBPOENA TO
PRODUCE RECORDS**

Civil No. 050400205

Honorable Anthony W. Schofield, Div. 8

**TO: Utah Valley Physicians Plaza
ATTN: Medical Records Custodian
1055 North 300 West
Provo, UT 84604**

RE: Raymond J. Noorda; DOB 6/19/1924; SSN 528-20-7370

YOU ARE COMMANDED to produce the documents described below at 10 Exchange Place, 11th Floor, in the City of Salt Lake, State of Utah, on the 25th day of February, 2005, in connection with the above-entitled action pending in the District Court in and for Utah County, State of Utah:

all medical records, including correspondence, notes, investigation, evaluations, charts, prescriptions, x-rays, photographs, reports, billing statements, or any other documents you may have in your possession pertaining to Raymond J. Noorda; and

all psychiatric, psychotherapy, psychological, mental health counseling, alcohol and drug rehabilitation treatment and/or counseling notes or records, treatment summaries, intake records, discharge reports, daily treatment records, office charts, nurses' notes, correspondence and handwritten notes pertaining to Raymond J. Noorda.

DATED this 11th day of February, 2005.

SNOW, CHRISTENSEN & MARTINEAU

By: Maralyn Reger

Stanley J. Preston

Michael R. Carlston

Maralyn M. Reger

Attorneys for Plaintiffs

10 Exchange Place, 11th Floor

Post Office Box 45000

Salt Lake City, Utah 84145

Telephone: (801) 521-9000

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30(b)(6), Utah Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.

Notice to Persons Served with a Subpoena

Subpoena to Appear at Trial, at Hearing, or at Deposition:

1. If this subpoena commands you to appear to give testimony at trial or at hearing, you must appear in person at the place designated in the subpoena.
2. If this subpoena commands you to appear to give testimony at deposition, you must appear in person at the place designated in the subpoena. If you are a resident of Utah, the subpoena may command you to appear only in the county where you reside, or where you are employed, or where you transact business in person, or where the court orders you to appear. If you are not a resident of Utah, the subpoena may command you to appear only in the county where you are served with the subpoena, or where the court orders.
3. If this subpoena commands you to appear to give testimony at trial, at hearing, or at deposition, but does not command you to produce or to permit inspection and copying of documents or tangible things, or inspection of premises, you have the right to object if the subpoena: (i) imposes an undue burden or expense upon you; (ii) does not allow you a reasonable time to comply, which may be less than 14 days, depending on the circumstances; or (iii) commands you to appear at deposition at a place in violation of paragraph 2, above.
4. To object to complying with the subpoena, you must file with the court issuing the subpoena a motion to quash or modify the subpoena. You must comply with the subpoena unless you have obtained a court order granting you relief from the subpoena.

Subpoena to Produce or to Permit Inspection of Documents or Tangible Things or to Permit Inspection of Premises:

5. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, but does not command you appear to give testimony at trial, at a hearing, or at a deposition: (i) you need not appear in person at the place of production or inspection; (ii) you must produce documents as you keep them in the ordinary course of business or organize and label them to correspond with the categories demanded in the subpoena; and (iii) you need not make any copies or advance any costs for production, inspection or copying. If you agree to make copies, the party who has served the subpoena upon you must pay the reasonable costs of production and copying.
6. You have the right to object if the subpoena: (i) imposes an undue burden or expense upon you; (ii) does not allow you at least 14 days to comply, unless the party serving the subpoena has obtained a court order requiring an earlier response; (iii) requires you to disclose a trade secret or other confidential research, development or commercial information; (iv) requires you to disclose privileged communication with your attorney or privileged trial preparation materials; or (v) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from expert's study made not at the request of any party.
7. To object to a subpoena for one of the reasons stated in paragraph 6, you must provide notice in writing of your objection to the party or attorney serving the subpoena before the date specified in the subpoena for you to respond. If your objection is based on either paragraph 6(iii), 6(iv) or 6(v), your written objection must describe the nature of the documents, communications or things that you object to producing with sufficient specificity to enable the party or attorney serving the subpoena to contest your objection. You must also comply with the subpoena to the extent that it commands production or inspection of materials to which you do not object.
8. After you make timely written objection, the party who has served the subpoena upon you must obtain a court order to compel you to comply with the subpoena. The party must give you a copy of its motion for a court order and notice of any hearing before the court. You have the right to file a response to the motion with the court and a right to attend any hearing. After you make a timely written objection, you have no obligation to comply with the subpoena until the party serving the subpoena has served you with a court order that compels you to comply.
9. If this subpoena commands you to produce or to permit inspection and copying of documents or tangible things, or to permit inspection of premises, and to appear to give testimony at trial, at a hearing, or at a deposition, you may object to the production or inspection of documents or tangible things, or inspection of premises, by following the procedure identified in paragraph 7. Even though you object to production or inspection of documents or tangible things, or inspection of premises, you must appear in person at the trial, at the hearing or at the deposition unless you obtain an order of the court by following the procedures identified in paragraph 4.

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

Ralph J. Yarro, III, Darcy G. Mott, Brent Christensen v. Val Noorda Kreidel, Terry Peterson, William Mustard, The Noorda Family Trust, Raymond J. Noorda, Lewena Noorda, and John Does 1-10

Civil Action No. 050400205

AUTHORIZATION

To: Utah Valley Physicians Plaza; ATTN: Medical Records Custodian

Name
1055 North 300 West

Address
Provo, UT 84064

City, State and Zip Code

This document authorizes you to disclose to the named party or parties below upon request, the following health information from **January 1, 1998 through the present** concerning **RAYMOND J. NOORDA**, whose date of birth is 6/19/24 and whose social security number is 528 20 7370, for the purpose of permitting plaintiffs in this lawsuit access to medical information pertaining to that lawsuit. This authorization applies to the following records and information about them:

- All psychiatric, psychotherapy, psychological, mental health counseling, alcohol or drug rehabilitation treatment and/or counseling notes or records, treatment summaries, intake records, discharge reports, daily treatment records, office charts, nurses' notes, correspondence and handwritten notes.
- All medical, dental and employment records, including but not limited to, inpatient, outpatient and emergency room treatment, all clinical charts, reports, documents, nurses' notes, correspondence, test results, statements, questionnaires/histories, office and doctors' handwritten notes, and records received by other physicians.
- All laboratory, histology, cytology, pathology, radiology, CT scans, MRI scans, tests, including all raw data.
- All radiology films, mammograms, myelograms, CT scans, photographs, bone scans, pathology/cytology/histology/autopsy/immunohistochemistry specimens, videos/CDs/DVDs/films/reels/tracings, and echocardiogram videotapes, CDs, DVDs and images of any kind.
- All pharmacy/prescription records including NDC numbers and drug information handouts/monographs.
- All billing records, including all statements, itemized bills, invoices, and insurance records.

This authorization is not valid unless the requestor named below has executed the Acknowledgment at

the bottom of this authorization. You may not condition treatment, payment, enrollment, or eligibility for benefits on whether this authorization is signed.

You are authorized to release the above information to the following representative of defendants in the above-entitled matter who has agreed to pay reasonable charges made by you to supply copies of records.

Stanley J. Preston, Snow, Christensen & Martineau
Name of Representative
Attorney
Representative Capacity (e.g. attorney, records requestor, agent, etc.)
10 Exchange Place, Post Office Box 45000
Street Address
Salt Lake City, UT 84145
City, State and Zip Code

* * * * *

This authorization may be revoked by writing to the individual to whom this authorization is provided. However, I understand that any actions already taken in reliance on this authorization cannot be reversed, and any revocation will not affect those actions. I also understand that provision of this signed authorization is required in the litigation to which this authorization pertains, and that such revocation may consequently lead to sanctions in this lawsuit. I further acknowledge the potential for information disclosed pursuant to this authorization to be subject to redisclosure by a recipient and not protected under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

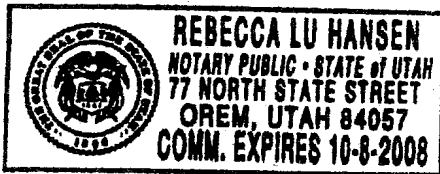
This authorization expires one year from the date below.

Date: 02/10/05

Raymond J Noorda
RAYMOND J. NOORDA

Date: 2/10/2005

Rebecca Lu Hansen
NOTARY PUBLIC
Residing at: Orem, Utah



AFFIDAVIT OF SERVICE

State of UTAH

County of UTAH

Fourth District Court

Case Number: 050400205 Court Date: 2/25/2005

Plaintiff:
RALPH J. YARRO III

vs.

Defendant:
VAL NOORDA KREIDELL

For:
Maralyn M. Reger
SNOW, CHRISTENSEN & MARTINEAU
10 Exchange Place
Suite 1100
Salt Lake City, UT 84145-5000

Received by ANDERSON PROCESS SERVICES, L.C. on the 11th day of February, 2005 at 6:41 pm to be served on **UTAH VALLEY PHYSICIANS PLAZA, 1055 NORTH 300 WEST, PROVO, UTAH 84604.**

I, Heidi A. Anderson, being duly sworn, depose and say that on the **14th day of February, 2005 at 3:00 pm, I:**

SERVED the within-named **CORPORATION** by delivering a true copy of the **SUBPOENA DUCES TECUM** with the date and hour of service endorsed thereon by me to **MONICA FOX** as Records Custodian in accordance with state statutes.

Additional Information pertaining to this Service:
2/14/2005 8:12 pm Service Made: 2-14, 3:00 P SERVED

I am over the age of 18 and have no interest in the above action.



Subscribed and Sworn to before me on the 15th day of February, 2005 by the affiant who is personally known to me.

Sheila Anderson
NOTARY PUBLIC

Heidi Anderson

Heidi A. Anderson
Process Server

ANDERSON PROCESS SERVICES, L.C.
230 West 200 South
Suite 2302
Salt Lake City, UT 84101
(801) 619-1110
Our Job Serial Number: 2005000445

Service Fee: \$21.00