

*Copy*

# Nelson Mullins

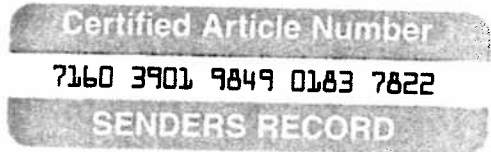
**Nelson Mullins Riley & Scarborough LLP**  
Attorneys and Counselors at Law  
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239  
Tel: 843.853.5200 Fax: 843.722.8700  
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Robert H. Jordan  
Tel: 843.534.4221  
robert.jordan@nelsonmullins.com

January 29, 2008

**Via Facsimile and Certified Mail- Return Receipt Requested**

Sprint Nextel  
ATTN: Records Custodian  
821 Orleans Road  
Charleston SC 29407



RE: Trademark Properties and Richard C. Davis v. A&E Television Networks and  
Departure Films  
USDC Civil Action No.: 2:06-CV-2195-CWH  
Our File No.: 28692/01500  
Chubb File No. 133228

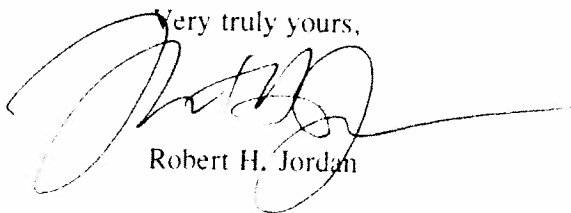
Dear Sir or Madam:

Regarding the above matter in which we represent Defendants/Counterclaim Plaintiff A&E Television Networks and Departure Films, please find enclosed herewith for service upon you a Subpoena Duces Tecum which requests that you produce to our attention certified copies of **any and all** records in your possession, custody and/or control regarding the items listed on the Subpoena. As indicated, these documents should be produced to my attention.

Please note an actual deposition is not necessary at this time, as we are only interested in obtaining the specifically requested records

Our firm, of course, agrees to reimburse your reasonable per page expense incurred in preparing and forwarding the requested records to my attention. **If you anticipate a delay in producing the records within the prescribed time indicated on the enclosed Subpoena Duces Tecum, please contact me as soon as possible.**

Thank you for your cooperation in this matter.

Very truly yours,  
  
Robert H. Jordan

RHJ:ll  
Enclosure

cc: Frank Cisa, Esq. (w/enclosure)

## Exhibit J

Subpoena in a Civil Case

**Issued by the  
UNITED STATES DISTRICT COURT**

DISTRICT OF SOUTH CAROLINA

TRADEMARK PROPERTIES, INC. et al.

**SUBPOENA IN A CIVIL CASE**

V.

A&E TELEVISION NETWORKS, et al.

Case Number: 2:06-cv-2195-CWH (D.S.C.)

TO: **Sprint Nextel  
ATTN: Records Custodian  
821 Orleans Road  
Charleston SC 29407**

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. Testimony will be recorded by  stenographic  sound-and-visual  sound means

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects and indicate the form of production):

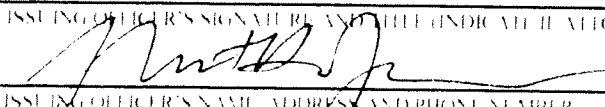
**Any and all records, including but not limited to itemized listings of local and long-distance calls made or received, account statements, and subscriber information for the period February 1, 2004 through August 31, 2004 for the following telephone and account numbers: 843-514-9427 (telephone number) and 586741415 (account number)**

PLACE <b>Nelson Mullins Riley &amp; Scarborough, LLP, 151 Meeting St., Suite 600, Charleston, SC 29401 ATTN: ROBERT JORDAN, ESQ.</b>	DATE AND TIME <b>2/8/2008 5:00 pm</b>
---	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) 	DATE <b>1/29/2008</b>
--	--------------------------

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER  
Robert H. Jordan, Nelson Mullins Riley & Scarborough LLP, 151 Meeting Street/Sixth Floor, P.O. Box 1806 (29402), Charleston, SC 29401-2239, (843) 853-5200

(See Rule 4 of Federal Rules of Civil Procedure, Subpoena, and Rule 17(c) of FRCP)

If action is pending in district other than district of issuance, state district under case number

Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) 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 shall 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, copying, testing, or sampling of designated electronically stored information, 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 (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling 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 producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample 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, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling 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 who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person regularly conducts business or regularly transacts business in person, except that, subject to the provisions of Rule 45(b)(3)(C), this rule shall apply to a person who is not a party or an officer of a party if that person is commanded to travel from any such place within the state in which the trial is held;

(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 trade secrets or other confidential information, development or invention, or other information or

(ii) requires disclosure of information of a confidential or proprietary nature, or information that is confidential, privileged, or otherwise subject to a protective order, the party's duty made total disclosure to any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, 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.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) 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.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) 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.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may, promptly present the information to the court under seal for a determination of the claim. If the receiving party discloses the information before such notification, it must take reasonable steps to return it. The person who produced the information must preserve the information until the claim is resolved.

(3) (A) If a party or an attorney without adequate excuse does not obey a subpoena served upon that person, the court may, in contempt of the court from which the subpoena issued, an adequate excuse for failure to obey exists when a subpoena purports to require a party to attend or produce at a place not within the limits provided by clause (i) of subdivision (b)(3)(A).

# Nelson Mullins

**Nelson Mullins Riley & Scarborough LLP**

Attorneys and Counselors at Law

151 Meeting Street - Sixth Floor - Charleston, SC 29401 2239

Tel: 843.553.5200 Fax: 843.722.8700

www.nelsonmullins.com

Robert H. Jordan

Tel: 843.534.4221

robert.jordan@nelsonmullins.com

January 29, 2008

**Via Facsimile and Certified Mail- Return Receipt Requested**

NuVox Communications (f/k/a NewSouth Communications)

ATTN: Jennifer Plante, Custodian of Records

Two N. Main St.

Greenville, SC 29601

Certified Article Number

7160 3901 9849 0183 7839

SENDER'S RECORD

RE: Trademark Properties and Richard C. Davis v. A&E Television Networks and Departure Films  
USDC Civil Action No.: 2:06-CV-2195-CWH  
Our File No.: 28692/01500  
Chubb File No. 133228

Dear Ms. Plante:

Regarding the above matter in which we represent Defendants/Counterclaim Plaintiff A&E Television Networks and Departure Films, please find enclosed herewith for service upon you a Subpoena Duces Tecum which requests that you produce to our attention certified copies of **any and all** records in your possession, custody and/or control regarding the items listed on the Subpoena. These documents should be produced to my attention at our firm's Greenville office as follows:

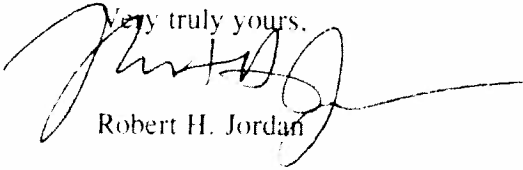
Nelson Mullins Riley & Scarborough, LLP  
ATTN: Robert H. Jordan, Esq.  
Poinsett Plaza, Suite 900  
104 South Main Street  
Greenville, SC 29601

Please note an actual deposition is not necessary at this time, as we are only interested in obtaining the specifically requested records

Our firm, of course, agrees to reimburse your reasonable per page expense incurred in preparing and forwarding the requested records to my attention. **If you anticipate a delay in producing the records within the prescribed time indicated on the enclosed Subpoena Duces Tecum, please contact me as soon as possible.**

Thank you for your cooperation in this matter.

Very truly yours,

  
Robert H. Jordan

RHJ:ll

Enclosure

cc: Frank Cisa, Esq. (w/enclosure)

Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF

SOUTH CAROLINA

TRADEMARK PROPERTIES, INC. et al.

SUBPOENA IN A CIVIL CASE

V.

A&E TELEVISION NETWORKS, et al.

Case Number: 2:06-cv-2195-CWH (D.S.C.)

TO: NuVox Communications (f/k/a NewSouth Communications) ATTN: Jennifer Plante, Custodian of Records Two N. Main St. Greenville, SC 29601

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY COURTROOM DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. Testimony will be recorded by stenographic sound-and-visual sound means

PLACE OF DEPOSITION DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects and indicate the form of production):

Any and all records, including but not limited to itemized listings of local and long-distance calls made or received, account statements, and subscriber information for the period February 1, 2004 through August 31, 2004 for the following account number : 161191

PLACE Nelson Mullins Riley & Scarborough, LLP, Poinsett Plaza, Suite 900 104 South Main Street, Greenville, SC 29601 ATTN: ROBERT JORDAN, ESQ. DATE AND TIME 2/8/2008 5:00 pm

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) DATE 1/29/2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Robert H. Jordan, Nelson Mullins Riley & Scarborough LLP, 151 Meeting Street/Sixth Floor, P.O. Box 1806 (29402), Charleston, SC 29401-2239, (843) 853-5200

See Rule 4 of Federal Rules of Civil Procedure, Subpoena (a)(1) and (b)(1) (first page)

If action is pending in district other than district of issuance, state district under case number

Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) 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 shall 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, copying, testing, or sampling of designated electronically stored information, 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 (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling 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 producing any or all of the designated materials or inspection of the premises or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample 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, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling 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 who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provision of clause (3)(B) of this rule, such a person may, in order to attend trial, be commanded to travel from any such place within the state in which the trial is held;

(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 trade secrets or other confidential research, development, or commercial information; or

(ii) requires disclosure of an individual's opinion or information not relevant to a specific court or government proceeding and not sought from the person solely in connection with the request of any party;

(iii) requires a person, who is not a party or an officer of a party, to incur substantial expense to travel more than 100 miles to attend trial; 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.

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(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) 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.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has, and may not use or disclose the information until the claim is resolved. A receiving party may promptly pre-empt the information to the court under oath for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to restrict it. The person who produced the information must preserve the information until the claim is resolved.

(e) (1) Failure of any person to whom adequate excuse is shown by a subpoena or subpoena duces tecum may be deemed a contempt of the court from which the subpoena issued. An adequate excuse for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place or on a day the time provided by clause (c) of paragraph (3)(A).