

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law  
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robert.jordan@nelsonmullins.com

February 13, 2008

### Via E-Mail and U.S. Mail

Frank M. Cisa, Esq.  
Cisa & Dodds, LLP  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464

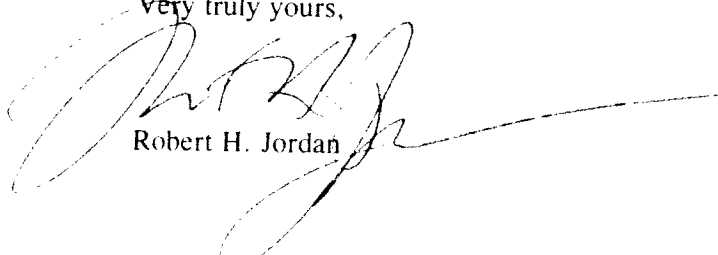
RE: Trademark Properties and Richard C. Davis v. A&E Television Networks and Departure Films  
USDC Civil Action No.: 2:06-CV-2195-CWH  
Our File No.: 28692/01500  
Chubb File No. 133228

Dear Frank:

Per your telephone conversation with Richard last week, please find enclosed an Amended Notice of Deposition of William Campbell, which reschedules Mr. Campbell's deposition for Tuesday, March 11, 2008 in our D.C. office.

Thank you for your cooperation.

Very truly yours,

  
Robert H. Jordan

RHJ:ll  
Enclosures

cc: Jeremy Feigelson, Esq.  
Richard A. Farrier, Jr., Esq. (both w/enclosures)

## Exhibit D

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF SOUTH CAROLINA  
 CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a ) Civil Action No. 2:06-cv-2195-CWH  
 South Carolina corporation; RICHARD C. )  
 DAVIS, an individual, )  
 )  
 Plaintiffs, )

vs. )

A&E TELEVISION NETWORKS, and )  
 MAX WEISSMAN PRODUCTIONS, )  
 INC. d/b/a DEPARTURE FILMS, )  
 )  
 Defendants. )

---

A&E TELEVISION NETWORKS, )  
 )  
 Counterclaim Plaintiff, )

vs. )

TRADEMARK PROPERTIES, INC. and )  
 RICHARD C. DAVIS, )  
 )  
 Counterclaim Defendants. )

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**FIRST AMENDED NOTICE OF DEPOSITION OF WILLIAM CAMPBELL**

TO: FRANK M. CISA, ESQUIRE, ATTORNEY FOR THE PLAINTIFFS:

PLEASE TAKE NOTICE that on Tuesday, March 11, 2008, commencing at 10:00 a.m.  
 at the law offices of Nelson Mullins Riley & Scarborough, LLP, 101 Constitution Avenue,

Suite 900, Washington, DC 20001, defendant and counterclaimant A&E Television Networks and defendant Max Weissman Productions, Inc. d/b/a Departure Films shall take the deposition of William Campbell.

The deposition will take place upon oral examination pursuant to the Federal Rules of Civil Procedure before an officer authorized by law to administer oaths or any other authorized person. The deposition will be recorded by stenographic and video means. Counsel is invited to attend and cross-examine.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Richard A. Farrier, Jr. (Fed. #772)

Robert H. Jordan (Fed. #6986)

Liberty Building, Suite 600

151 Meeting St.

P.O. Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Of Counsel:

Bruce P. Keller

Jeremy Feigelson

S. Zev Parnass

DEBEVOISE & PLIMPTON LLP

919 Third Avenue

New York, New York 10022

(212) 909-6000

*Admitted Pro Hac Vice*

*Attorneys for Defendant/Counterclaimant A&E  
Television Networks and Defendant Max Weissman  
Productions, Inc. d/b/a Departure Films*

February 13, 2008

Charleston, South Carolina

**CERTIFICATE OF SERVICE**


I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendants A&E Television Networks ("AETN") and Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified via electronic mail and U.S. Mail, first-class, postage prepaid, to the following address(es):

Pleadings:

FIRST AMENDED NOTICE OF DEPOSITION OF WILLIAM CAMPBELL

Counsel Served:

Frank Cisa, Esquire  
Cisa & Dodds, LLP  
858 Lowcountry Blvd., Suite 101  
Mt. Pleasant, SC 29464  
frank@cisadodds.com  
ashley@cisadodds.com

  
\_\_\_\_\_  
Administrative Assistant

March 14, 2008

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

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February 13, 2008

### Via Federal Express and Certified Mail, Return Receipt Requested

William M. Campbell  
1409 29th Street  
Washington, D.C. 20007  
(202) 338-3444

Certified Article Number

7160 3901 9849 0183 7846

SENDER'S RECORD

RE: Trademark Properties and Richard C. Davis v. A&E Television Networks and Max  
Weissman Productions, Inc. d/b/a Departure Films  
USDC Civil Action No.: 2:06-CV-2195-CWH  
Our File No.: 28692/01500

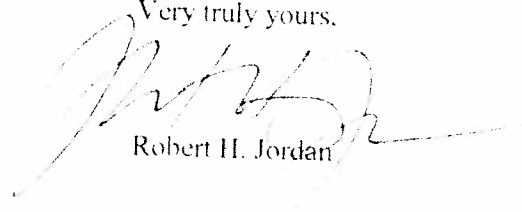
Dear Mr. Campbell:

Per my paralegal's telephone messages to you, please find enclosed for service upon you an Amended Subpoena Duces Tecum which reschedules your appearance at your deposition in the above matter for **Tuesday, March 11, 2008, beginning at 10:00 a.m.**, in our office located at 101 Constitution Avenue, Suite 900, Washington, D.C. As you know, we previously enclosed our firm's check to you in payment of the appropriate witness fee and mileage reimbursement with our letter of February 5, 2008.

In addition, the Subpoena requires you to produce any and all records in your possession as described in the Subpoena to my attention **on or before Monday, February 25, 2008**. Of course, we are happy to reimburse you for any copying expenses associated with producing these records to us.

Your cooperation and assistance in this matter are most appreciated. Should you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,

  
Robert H. Jordan

RHJ:ll  
Enclosures

cc: Frank Cisa, Esq.  
Richard A. Farrier, Jr., Esq. (both with enclosure)

Subpoena in a Civil Case

Issued by the UNITED STATES DISTRICT COURT

DISTRICT OF

COLUMBIA

TRADEMARK PROPERTIES, INC. et al.

V.

A&E TELEVISION NETWORKS, et al.

AMENDED SUBPOENA IN A CIVIL CASE

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

TO: William M. Campbell, 1409 29th Street, Washington, D.C. 20007

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 table with columns for COURTROOM and 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 [X] stenographic [X] sound-and-visual [ ] sound means

PLACE OF DEPOSITION table with columns for Nelson Mullins Riley & Scarborough, LLP, 101 Constitution Ave, Suite 900, Washington, DC 20001 and DATE AND TIME 3/11/2008 10:00 am

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 documents, notes, and emails, regarding any discussions, negotiations, communications or dealings with Richard C. Davis and/or Trademark Properties, Inc., or any person acting on their behalf.

PLACE table with columns for Nelson Mullins Riley & Scarborough, LLP, ATTN: Richard A. Farrier, 101 Constitution Ave, Suite 900, Washington, DC 20001 and DATE AND TIME 2/25/2008 5:00 pm

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

PREMISES table with columns for 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 (GENERAL COUNSEL) table with columns for NAME and DATE 2/13/2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER table with column for NAME

Robert H. Jordan, Esq., Nelson Mullins Riley & Scarborough LLP, 151 Meeting Street/Sixth Floor, P.O. Box 1806 (29402), Charleston, SC 29401-2239, (843) 853-5200

See Rule 45, Fed. Civ. Rule, and 2002 Procedure Supplement, Fed. Civ. Rule, for complete text of this subpoena.

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 (b)(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 a 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 court may, on 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 in which the person resides, works, physically conducts business, or a person except that subject to the provisions of clause (iii) of this subdivision, such a person may in order to attend, that be commanded to travel to that place, within the district in which the person resides;

(iii) requires disclosure or production of subpoenaed material of a type or amount or in a form or manner not authorized by this rule;

(iv) is not a subpoena to a deponent;

(v) is oppressive;

(vi) requires a person to disclose information that is not relevant to the action or to the particular matters in dispute;

(vii) is an attempt to harass, annoy, or embarrass a person or to obtain information for the benefit of a party or a person who is not a party to the action;

(viii) requires a person who is not a party or an officer of a party to incur a 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 by reason 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 by reason 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 protected or subject to protection against 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 controvert the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection against preparation or material preparation, the person making the claim may not file a protective order if the information or the claim and the basis for it may have been fully disclosed by another source. After being notified a party must promptly turn over or destroy the specified information and may not copy it and may not use or disclose the information until the claim is resolved. A protective party may promptly present the information to the court under seal to resolve the claim or may file the responsive party's disclosure information with the court under seal to resolve the claim. If the responsive party discloses the information before being notified, it may make a motion for a protective order. The person who produced the information may oppose the information until the claim is resolved.

(3) (A) Failure of any person to whom a subpoena is served to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the court's provided by clause (c) of subpoena paragraph (c)(3)(A).