

STATE OF VERMONT

SUPERIOR COURT
Rutland Unit

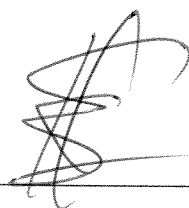
FAMILY DIVISION
Docket No.: 234-5-12 Rdfa

RAYMOND KNUTSEN,)
 Plaintiff,)
)
 vs.)
)
KAREN CEGALIS,)
 Defendant)

SUBPOENA DUCES TECUM

You are hereby commanded to serve on Craig Russell of Jay Peak Resorts, 830 Jay Peak Road, Jay, Vermont, 05859, this subpoena commanding him to attend a hearing to be held at the Vermont Superior Court, Rutland Family Division, 9 Merchants Row, Rutland, Vermont on **September 18, 2012 at 2:00 P.M.** or such time that this matter may be continued, to testify in the above matter. Mr. Russell is commanded to bring with him to said hearing any and all records that are relevant to the attendance at Jay Peak Resorts of the Defendant in the above-captioned matter for 2012.

DATED: 9/10/12



Kevin M. Volz, Esq.

Attorney for Karen Cegalis

RAKOW & VOLZ, P.C.

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Pursuant to V.R.C.P. 45(a)(1)(D), the provisions of V.R.C.P. 45(c) and (d) are set forth as follows:

V.R.C.P. 45 SUBPOENA

(c) Protection of Persons Subject to Subpoena.

(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 for 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 and copying of designated books, papers, documents or tangible things, or inspection of pre uses 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 and copying 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 inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court for 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. Such an

order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On a timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders; requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

(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 a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of 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 50 miles one way 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.

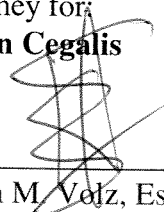
(d) **Duties in Responding to Subpoena.**

(1) A 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.

(2) 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.

Dated at Rutland, Vermont this 10 day of September, 2012.

Attorney for:
Karen Cegalis



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