

**ORDER TO APPEAR TO PERSON  
UNDER FOREIGN SUBPOENA**  
Pursuant to §12-21-400, et seq., Code of Alabama 1975

CV

IN THE CIRCUIT COURT OF MONTGOMERY, ALABAMA  
(Name of County)

In re: CITIZENS OF STERLING v. EUGENE DELGAUIDO pending in  
the LOUDOUN COUNTY, VIRGINIA Case No. 85754  
(Name/State of Foreign Court)

To: SOUTHERN POVERTY LAW CTR. (Name of person receiving subpoena)  
% JOSEPH L. LEVIN, JR. R/A (Address)  
400 N. WASHINGTON AVE.  
MONTGOMERY, AL 36104

The requesting party has submitted to this Clerk's Office a foreign subpoena, copy attached, the terms of which are incorporated herein. YOU ARE ORDERED TO APPEAR to:

- Attend and give testimony at a deposition;
- Produce and permit inspection and copying of books, documents, or tangible things designated and described below:  
SEE ATTACHED

- Permit inspection of the premises;

at the following location \_\_\_\_\_

on the following date \_\_\_\_\_

at the following time \_\_\_\_\_

*Tiffany B. McCall*  
Circuit Clerk

3-11-14

FILED IN CIRCUIT CLERK'S OFFICE  
2014 APR 12 5:01 PM  
MONTGOMERY COUNTY

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided below on attached list.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON:** You are ordered to serve this order on the above named person and make return to this court.

**RETURN ON SERVICE**

I certify that I personally delivered a copy of this order to Joseph Levin, Jr, R/A, Southern Poverty Law Center  
on 3/12/14 at 1:35 pm

Process Server  
Title of Sheriff/Process Server  
Spettin Burkey  
Signature of Sheriff/Process Server  
Burkey Investigations, LLC  
PO Box 1140, Wilhrook AL 36054

Served by certified mail. Date mailed \_\_\_\_\_

**THE RECIPIENT OF THIS SUBPOENA HAS THE RIGHT TO OBJECT TO THIS SUBPOENA WITHIN FIFTEEN (15) DAYS OF PROPER SERVICE BY SUBMITTING A REASONABLY SPECIFIC WRITTEN OBJECTION TO THE PARTY INITIATING THE SUBPOENA AS WELL AS THE LOCAL ISSUING CLERK OF THE COURT AT THE FOLLOWING ADDRESS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ORDER TO APPEAR TO PERSON UNDER FOREIGN SUBPOENA****NOTICE**

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)

## (c) Protection of person 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 from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document 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 and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. 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 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying 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 resident of this state who is not a party or an officer of a party to travel to place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the of clause (c)(3)(B)(iii) 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, 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 expenses 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 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.

COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT  
Civil Division  
18 E MARKET ST/PO BOX 550  
LEESBURG VA 20178-0550  
(703) 777-0270  
Proof of Service

Virginia:  
In the LOUDOUN CIRCUIT COURT

Case number: 107CL00085754-00  
Service number: 001  
Service filed: January 27, 2014  
Judge:

Served by: SPECIAL PROCESS SERVER  
Style of case: CITIZENS OF STERLING vs EUGENE DELGAUDIO .  
Service on: THE SOUTHERN POVERTY LAW CTR  
SERVE: JOSEPH L LEVIN JR, R/A  
400 N WASHINGTON AVE  
MONTGOMERY AL 36104

Type of service: Defendant produce other than court (DPE)

Instructions:

Hearing date : Friday, March 28, 2014 at 05:00PM  
Service issued: Tuesday, March 04, 2014

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For Sheriff Use Only



COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT  
Civil Division  
18 E MARKET ST/PO BOX 550  
LEESBURG VA 20178-0550  
(703) 777-0270

Subpoena Duces Tecum

To the sheriff of: SPECIAL PROCESS SERVER  
or any authorized officer

Case number: 107CL00085754-00

You are commanded to summon: THE SOUTHERN POVERTY LAW CTR  
SERVE: JOSEPH L LEVIN JR, R/A  
400 N WASHINGTON AVE  
MONTGOMERY AL 36104

To produce in the office of: KING, CHARLES L; ESQ  
116 G EDWARDS FERRY RD  
LEESBURG VA 20176

those records as set forth in the attached request on or before Friday, March 28, 2014 at 05:00PM.

This Subpoena is issued on application of the defendant in the case of  
CITIZENS OF STERLING vs EUGENE DELGAUDIO .

Service issued: Tuesday, March 04, 2014

Clerk of Court: GARY M CLEMENS

By: .....

*Sandra Amundson*

(Clerk/Deputy Clerk)

Instructions:

Attorney's name: KING, CHARLES L; ESQ  
116 G EDWARDS FERRY RD  
703-669-3500  
LEESBURG VA 20176


## EXHIBIT A

1. All written criteria, policies, guidelines, bylaws or rules of any kind used by Southern Poverty Law Center to designate organizations or groups as “hate groups” from the inception of the Southern Poverty Law Center to the present date.
2. All research, correspondence, written or electronic, witness narratives, letters, files and information, in any form and from any source, compiled and gathered on Public Advocate and/or Eugene Delgaudio prior to designating Public Advocate as a “hate group.”
3. All staff memorandums and writings of any kind summarizing or analyzing research compiled on Public Advocate and/or Eugene Delgaudio prior to designating Public Advocate as a “hate group.”
4. All minutes, recordings or video of meetings, in any form, at which Public Advocate and/or Eugene Delgaudio was discussed prior Public Advocate being named as a “hate group.”
5. All memorandums, resolutions, writings and publications, in written or electronic form, evidencing the Southern Poverty Law Center’s decision to designate Public Advocate as a “hate group.”
6. All press releases issued announcing the designation of Public Advocate as a “hate group.”
7. All research, correspondence, written or electronic, and witnesses statements compiled on Eugene Delgaudio and/or Public Advocate after the designation of “Public Advocate” as a hate group not compiled in relation to the pending copyright action in Hill, et. al., v.

Public Advocate, Civil Action No. 1:12-CV-02550, in the United States District Court for the District of Colorado.

8. All publications, articles and press releases mentioning either Public Advocate or Eugene Delgaudio.

A COPY-TESTE  
Gary M. Clemens, Clerk  
By *Sandia Amundson*  
Deputy Clerk

The seal of the District of Colorado is visible in the background, partially obscured by the text. It is a circular seal with a star in the center and the words "DISTRICT OF COLORADO" around the perimeter.

**ORDER TO APPEAR TO PERSON  
UNDER FOREIGN SUBPOENA**  
Pursuant to §12-21-400, et seq., Code of Alabama 1975

CV

IN THE CIRCUIT COURT OF MONTGOMERY, ALABAMA  
(Name of County)

In re: CITIZENS OF STERLING v. EUGENE DELGAUIDO pending in  
the LOUDOUN COUNTY, VIRGINIA Case No. 85754  
(Name/State of Foreign Court)

To: THE SPLC TASK FORCE ON HATE IN THE PUBLIC SPHERE (Name of person receiving subpoena)  
% JOSEPH L. LEVIN, JR. R/A (Address)  
400 N. WASHINGTON AVE.  
MONTGOMERY, AL 36104

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SEE ATTACHED
- Permit inspection of the premises;

at the following location \_\_\_\_\_  
on the following date \_\_\_\_\_ at the following time \_\_\_\_\_

*Tiffany B. McCord*  
Circuit Clerk  
3-11-14

FILED IN CIRCUIT CLERK  
2014 MAR 12 9 1 45  
MONTGOMERY COUNTY

The names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of parties not represented by counsel are provided below on attached list.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON:** You are ordered to serve this order on the above named person and make return to this court.

**RETURN ON SERVICE**

I certify that I personally delivered a copy of this order to Joseph Levin, Jr. R/A, SPLC Task Force  
on 3/12/14 at 1:35pm on Hate in The Public Sphere

Process Server  
Title of Sheriff/Process Server  
Dymette M. Benkey  
Signature of Sheriff/Process Server  
Burkey Investigations LLC  
P.O. Box 1140, Millbrook, AL 36051

Served by certified mail. Date mailed \_\_\_\_\_

THE RECIPIENT OF THIS SUBPOENA HAS THE RIGHT TO OBJECT TO THIS SUBPOENA WITHIN FIFTEEN (15) DAYS OF PROPER SERVICE BY SUBMITTING A REASONABLY SPECIFIC WRITTEN OBJECTION TO THE PARTY INITIATING THE SUBPOENA AS WELL AS THE LOCAL ISSUING CLERK OF THE COURT AT THE FOLLOWING ADDRESS:

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(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 expenses 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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CERTIFICATION OF AN OFFICIAL RECORD

Case No. 85754  
Va. Code §§8.01-389 &  
8.01-391: U.S. Const. art. IV  
Sec. 1; 28 U.S.C. § 1738

Loudoun County

Virginia, Circuit Court

**Clerk's Attestation**

I, the Clerk of this Court, attest that the annexed

Subpoena Duces Tecum to summon records  
Description of Original Record or Copy  
from The SPLC Task Force on Hate in the Public Sphere  
issued 3/4/14

is an official record of this Court in my custody.

is a true, correct, and complete copy of an official record of this Court in my custody and I am the custodian of that record. The annexed copy has been examined and compared with the original.

Given under my hand the seal of this court on

3/4/14  
Date  
(Seal)

Gary M. Clemens Clerk  
Gary M Clemens  
Typed Name of Clerk

**Judge's Certification**

I, (a) (the) Judge of this Court, certify that the above attestation of the duly qualified Clerk of this Court, is in proper form, and that the signature thereto is genuine.

3/4/14  
Date

Burke F McCahill, Judge  
Burke F McCahill  
Typed Name of Judge

**Clerks of Virginia Courts:** When an original record or copy of a record is transmitted to another Virginia Court, only the Clerk's attestation is required. When either an original record or copy is transmitted to a court outside Virginia, both the clerk's attestation and the judge's certification are required.

**Clerk of Other Courts:** The above attestation, the affixing of the Court's seal, and the certificate meet the requirements of 28 U.S.C. § 1738, entitling the record so attested and certified to full faith and credit.

COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT  
Civil Division  
18 E MARKET ST/PO BOX 550  
LEESBURG VA 20178-0550  
(703) 777-0270

Proof of Service

Virginia:  
In the LOUDOUN CIRCUIT COURT

Case number: 107CL00085754-00  
Service number: 002  
Service filed: January 27, 2014  
Judge:

Served by: SPECIAL PROCESS SERVER

Style of case: CITIZENS OF STERLING vs EUGENE DELGAUDIO .

Service on: THE SPLC TASK FORCE ON HATE IN  
THE PUBLIC SPHERE  
SERVE: JOSEPH J LEVIN JR, R/A  
400 N WASHINGTON AVE  
MONTGOMERY AL 36104

Type of service: Defendant produce other than court (DPE)

Instructions:

Hearing date : Friday, March 28, 2014 at 05:00PM

Service issued: Tuesday, March 04, 2014

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For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



LOUDOUN CIRCUIT COURT  
Civil Division  
18 E MARKET ST/PO BOX 550  
LEESBURG VA 20178-0550  
(703) 777-0270

Subpoena Duces Tecum

To the sheriff of: SPECIAL PROCESS SERVER  
or any authorized officer

Case number: 107CL00085754-00

You are commanded to summon: THE SPLC TASK FORCE ON HATE IN  
THE PUBLIC SPHERE  
SERVE: JOSEPH J LEVIN JR, R/A  
400 N WASHINGTON AVE  
MONTGOMERY AL 36104

To produce in the office of: KING, CHARLES L; ESQ  
116 G EDWARDS FERRY RD  
LEESBURG VA 20176

those records as set forth in the attached request on or before Friday, March 28, 2014 at 05:00PM.

This Subpoena is issued on application of the defendant in the case of  
CITIZENS OF STERLING vs EUGENE DELGAUDIO .

Service issued: Tuesday, March 04, 2014

Clerk of Court: GARY M CLEMENS

By: Santha Amundson  
(Clerk/Deputy Clerk)

Instructions:

Attorney's name: KING, CHARLES L; ESQ  
116 G EDWARDS FERRY RD  
703-669-3500  
LEESBURG VA 20176



**EXHIBIT A**

1. All written criteria, policies, guidelines, bylaws or rules of any kind used by the SPLC Task Force on Hate in the Public Sphere to designate organizations or groups as “hate groups” or individuals as “extremist candidates” from the inception of the SPLC Task Force on Hate in the Public Sphere to the present date.
2. All research, correspondence, written or electronic, witness narratives, letters, files and information in any form from any source compiled and gathered on Public Advocate and/or Eugene Delgaudio.
3. All staff memorandums and analysis summarizing or reviewing research compiled on Public Advocate and/or Eugene Delgaudio.
4. All minutes, recordings or records meetings, in any form, at which Public Advocate and/or Eugene Delgaudio was discussed.
5. All publications, articles and press releases mentioning either Public Advocate or Eugene Delgaudio.

A COPY-TESTE  
Gary M. Clemens, Clerk  
By *Sandra Amundson*  
Deputy Clerk

