

**CAP SUPPLEMENTAL DISCOVERY
FRIDAY SEPTEMBER 30, 2016**

**HOW TO OBTAIN AND INTRODUCE INTO EVIDENCE PHONE RECORDS
WHEN ALL YOU HAVE IS THE PHONE NUMBER**

by THOMAS M. LOEB

In 2011, the Michigan Supreme Court decided the case of *People v Armstrong*, 490 Mich 281 (2011). In this unanimous opinion, the court held that defense counsel provided ineffective assistance of counsel because he failed to introduce into evidence the complainant's cell phone record. This is a wonderful case, and everyone should read it. It explains simply and succinctly how the failure to introduce these records severely prejudiced the defendant in a "he said - she said" criminal sexual conduct prosecution.

What do we do when all we have is a phone number, and we do not even know the name of the account holder or account user of record, or the name and address of the provider? Well, here's how to find this out on your own, for free, every time.

FIRST, take your 10 digit phone number and go to the website www.freecarrierlookup.com. This website "telephone number identification" has a free phone look-up function on its home page. In the example we are using, if you type in 248-224-2417 and hit "search" you will learn that the current telephone company is Verizon Wireless.

SECOND, we need to find the address of the provider, Verizon Wireless. On the internet, go to www.search.org. This website advertises itself as "the premier resource for collecting, sharing, and analyzing innovative and timely knowledge, information, best practices, services and solutions for justice information sharing." On its homepage, in the lower right hand side of the screen, under the heading "QUICK LINKS" you will find the ISP list. Click on it. Once you do, you will see a screen listing various internet service and telephone providers throughout the country. This website, by the way, includes information well beyond just phone providers. For example, if you need information from AIRB&B, INC., Adult Friend Finder, American Express, American Savings Bank, Ally Bank (formerly GMAC), American Airlines, eHarmony.com, and more, you will find it here. Under Verizon you will see several entries. One entry is "Verizon Wireless Legal Compliance." If you click on it, it will give you the contact name, address, phone number and more

concerning their procedures for accepting a subpoena. For example, there are different fax numbers listed for court orders, subpoenas, and preservation letters. There is even a phone number for “exigent requests”, whatever that it is. I suggest you call the number that seems most appropriate and talk to someone directly. More often than not, they will be helpful. They will tell you what they need, whether by subpoena or court order, and where exactly you should mail, e-mail, or fax your legal process.

THIRD, now that we have the name and address of our service provider, we need to send them a subpoena. I have enclosed a sample subpoena. As you can see, I am requesting that Verizon Wireless produce records to my office at a given date and time for this phone number. Specifically, I have requested subscriber information, service features, and information regarding outgoing and incoming calls, and all text/data usage for a particular date and particular time period. In this case, I have asked for all records for May 14, 2010, from 1:00 A.M. until just before noon, military time. When you do this, be sure and give the provider enough time to comply with your order. Generally, at least two weeks is required. You can discuss this with them directly.

FOURTH, now that we have the records how do we introduce them? This is much easier than you realize. As with any document to be introduced into evidence, you must deal with hearsay and authentication objections. The hearsay exception for a business record is found at MRE 803(6). The authentication requirement is found in MRE 902(11). Each of these rules allow for the introduction of records of regularly conducted activity, otherwise known as business records, provided that the records are accompanied by a written declaration under oath by its custodian or other qualified person certifying that the record was made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge; that the record was kept in the course of regularly conducted business activity; and it was the regular practice of the business activity to make the record. There is no magic to the language that must appear within the certificate. I have attached a sample for your use.

With this information, you should be able to easily get these records, every time. If you choose to modify the subpoena or the certificate, please share. I hope this has been helpful.

Thomas M. Loeb

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 11-123456-FH
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Police Report No. (if applicable)	Court Address 2 Woodward Ave., 201 CAYMAC, Detroit, MI 48226	Court telephone no.
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Plaintiff(s) Petitioner(s) <input checked="" type="checkbox"/> People of the State of Michigan <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> Civil <input checked="" type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____	V	Defendant(s) Respondent(s) Johnny Defendant Charge
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In the Name of the People of the State of Michigan. TO: Custodian of Records, CELLCO PARTNERSHIP, LLP DBA VERIZON WIRELESS
180 Washington Valley Road
Bedminster, NJ 07921

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED:

<input checked="" type="checkbox"/> 1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused. <input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: 32000 Northwestern Hwy., Ste. 170, Farmington Hills, MI 48334		
Day MONDAY	Date NOVEMBER 14, 2011	Time 12:00 PM

- 2. Testify at trial / examination / hearing.
- 3. Produce/permit inspection or copying of the following items: SEE ATTACHMENT

- 4. Testify as to your assets, and bring with you the items listed in line 3 above.
- 5. Testify at deposition.
- 6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property attached.
- 7. Other: _____

<input type="checkbox"/> 8. Person requesting subpoena Thomas M. Loeb (P25913) Address 32000 Northwestern Hwy., Ste. 170 City Farmington Hills	Telephone no. 248-851-2020 State Zip MI 48334
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NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6. this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

Date	Judge Friendly	Bar no.
MC 11 (6/04) SUBPOENA, Order to Appear and/or Produce	P25913	MCL 600.1455, 600.1701, 600.6110; 600.6119, MCR 2.506

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not Served

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)
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I served a copy of the subpoena, together _____ Attachment _____

personal service
 registered or certified mail (copy of return receipt attached)
 on: _____

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, _____ Attachment _____

on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles Traveled	Mileage fee	Total fee	Signature
\$		\$	\$	

Title _____

Subscribed and sworn to before me _____, _____ County, Michigan.
Date _____

My commission expires: _____ Date _____ Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together _____ Attachment _____

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath before a judge concerning the money or property of:
for the following reasons:

_____ Date _____ Signature _____

Subscribed and sworn to before me _____, _____ County, Michigan.

My commission _____ Date _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County _____

ATTACHMENT TO SUBPOENA ORDER TO PRODUCE RECORDS

RE: PEOPLE OF THE STATE OF MICHIGAN vs JOHNNY DEFENDANT
CASE NO. 11-123456-FH

You must bring with you the following documents, electronically stored information, or objects:

The full and complete records as indicated below for target number:
313-224-2417

1. Subscriber information from 05/14/2010 to 05/14/2010;
2. Service features from 05/14/2010 to 05/14/2010;
3. All outgoing calls from 05/14/2010 to 05/14/2010 23:59;
4. All incoming calls from 05/14/2010 to 05/14/2010 23:59;
5. All text/data usage from 05/14/2010 to 05/14/2010 23:59.

for the following account holders or account users of record: UNKNOWN.

RECORDS CUSTODIAN CERTIFICATE

STATE OF MICHIGAN)
) SS.
COUNTY OF _____)

I, _____, after first being duly sworn, states as follows:

1. I am the Records Custodian of _____, and have been served with a subpoena for the production of records in the case of [Case Name, Case Number].
2. I have examined the original of the records being requested, and have made a true and exact copy of those original records. The copies included here are true and complete.
3. Further, these records were made at or near the time or occurrence of the matters set forth by, or from information transmitted by a person with knowledge.
4. These records are made and kept in the course of regularly conducted business activities, and it is a regular practice of our business to make or maintain these records.

RECORDS CUSTODIAN

Subscribed and sworn to before me
this _____ day of _____, 20____.

Notary Public
State of _____, County of _____
Acting in _____ County
My Commission Expires: _____

March 18, 2013

VIA FACSIMILE ONLY TO 888-667-0026 and 888-667-0028

Custodian of Records
Verizon Wireless Legal Compliance
180 Washington Valley Rd.
Bedminster, NJ 07921
ATTN: Brian

RE: [REDACTED] vs [REDACTED]
Oakland County Circuit Court Case No. [REDACTED]
Verizon cell phone number [REDACTED]
Preservation Hold Request

Dear Brian:

Thank you for speaking with me earlier today. Please consider this letter a preservation hold request. Regarding the phone number [REDACTED], I would ask that you preserve and hold all incoming and outgoing phone calls, text messages, IM's, or anything else, including content to or from this phone number during the hours of Friday March 15th, starting at 12:01 A.M. through Sunday March 17th, ending at 11:59 P.M.

I understand that a court order or search warrant will be necessary before you will make the information available. It is my understanding that efforts are being made currently to obtain such an order. Can you please confirm that you will be able to hold this information for 90 days? Please advise. You can contact me by fax or phone at the numbers listed above, whichever is more convenient for you.

Thank you for your cooperation.

Very truly yours,

Thomas M. Loeb
TML/ps

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 11- [REDACTED] FH

v

HON. RICHARD M. SKUTT

[REDACTED]
Defendant.

JENNIFER TINK (P64569)
Attorney for Plaintiff
Wayne County Prosecutor's Office
1441 St. Antoine St., Ste. 1162
Detroit, MI 48226
(313) 224-5798
jtink@co.wayne.mi.us

THOMAS M. LOEB (P25913)
Attorney for Defendant
32000 Northwestern Hwy, Ste. 170
Farmington Hills, MI 48334-1507
(248) 851-2020
tmloeb@mich.com

***DEFENDANT'S MOTION FOR SUPPLEMENTAL DISCOVERY - PERMISSION TO
SUBPOENA RECORDS FROM NON-PARTIES***

Defendant [REDACTED] by his attorney, Thomas M. Loeb, files this
Motion for Supplemental Discovery and in support states as follows:

1. That he is presently charged by way of information with the offenses of felonious assault and improper use of a self-defense spray, contrary to MCL 750.82 and 750.224d(2), respectively.
2. Trial in this case is scheduled to commence on Wednesday, March 14, 2012 at 8:30 A.M.
3. In this case, defense counsel desires to obtain documents from various non-parties. The most appropriate way in which to do so would be by utilizing a subpoena for records under MCL 2.305(B).

4. However, MCL 6.001(D) limits the use of the discovery devices listed in subchapter 2.300 of the Michigan Court Rules to civil cases.
5. Defendant has the right to effective assistance of counsel and to present his defense. This right exists under both the federal and state constitutions. See US Const., Am VI and XIV; Const. 1963, art 1, §§17 and 20.
6. Defendant also has the right to compulsory process under both the federal and state constitutions. See US Const., Am XIV; Const. 1963, art 1, §20.
7. Defendant is **NOT** requesting that the Wayne County Prosecutor's office obtain any documents for defendant in this motion, or to issue any subpoenas. This writer will do all the work himself.
8. The documents requested are essential to defendant's defense and to his right to a fair trial.

Therefore, for all of the above reasons we move this Honorable Court to grant defendant's motion and allow him to issue to subpoenas for records to non-parties in this case.

Respectfully submitted,

THOMAS M. LOEB (P25913)
Attorney for Defendant
32000 Northwestern Hwy., Ste. 170
Farmington Hills, MI 48334
(248) 851-2020
tmloeb@mich.com

Dated:

MEMORANDUM IN SUPPORT

Defendant relies upon his state and federal constitutional rights to due process of law, to effective assistance of counsel, to compulsory process, and the discretion of this Court. Defendant relies also upon MCR 6.201(I) which states “on good cause shown, the court may order a modification of the requirements and prohibitions of this rule.”

This Court is of course familiar with the court rule governing criminal discovery in felony cases, MCR 6.201. In that rule there is no provision allowing defense counsel to issue a subpoena. Remarkably, while an attorney in a minor automobile “fender bender” has the right to discovery under MCR 2.300, *et. seq.*, when that same lawyer is defending someone’s freedom rather than seeking a money judgment, his discovery options are limited.

Respectfully, this writer suggests that the right to compulsory process trumps Michigan’s court rules. In this case, defense counsel desires to obtain cell phone records from phone providers. As an officer of the court, this writer advises that the evidence he is attempting to obtain is material and relevant to Mr. ██████ defense.

The prosecutor can hardly complain if this motion were to be granted. All this writer is asking is for the right to issue subpoenas for records that are in the custody or control of persons other than the prosecutor’s office or the Detroit Police Department. Defense counsel is not requesting that the prosecutor’s office do anything.

Allowing this motion is most appropriate, especially since the prosecutor itself already has the right to issue such subpoenas pursuant to MCL 767A.23.

The federal constitutional right to compulsory process has been applied to the states since the landmark case of *Washington v Texas*, 388 US 14 (1967). There, the court noted...

“The right to offer the testimony of witnesses and to compel their attendance, if necessary, is in plain terms the right to present the defense, the right to present the defendant’s version of the facts as well as the prosecution’s to the jury so it may decide where the truth lies. Just as an accused has the right to confront the prosecution’s witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense.” *Washington, supra*, 388 US at 23.

This court should grant this motion. By granting this motion it avoids delay. It allows this writer to diligently move forward and prepare his defense in advance of the trial date. Moreover, it should be noted that in the case of *People v Armstrong*, 490 Mich 281 (2011) the Michigan Supreme Court unanimously agreed that trial counsel’s performance was deficient, and his client’s third degree criminal sexual conduct convictions must be reversed, because defense counsel failed to pursue admission of cell phone records. The court noted in great detail that because the complainant’s credibility was the primary issue in the trial, these records were essential to the defendant’s sixth amendment right to effective assistance of counsel. (See attached).

Therefore, for all of the above reason we move this Honorable Court to grant defendant’s motion for supplemental discovery, and to allow his attorney to subpoena records using the subpoena procedure found in MCR 2.305.

Respectfully submitted,

THOMAS M. LOEB (P25913)
Attorney for Defendant
32000 Northwestern Hwy., Ste. 170
Farmington Hills, MI 48334
(248) 851-2020
tmloeb@mich.com

Dated:

April 5, 2012

L & G Insurance Services of Michigan
49357 Pontiac Trail, Ste. 101
Wixom, MI 48393

Attention: Mr. William St. Charles, Resident Agent

Re: [REDACTED] vs [REDACTED]
Oakland County Circuit Court Case No. [REDACTED]

Dear Mr. St. Charles:

Enclosed please find with this letter a Notice of Taking Records Only Deposition, a Subpoena to Produce Records, and a Records Custodian Certificate form. You are requested and required to appear personally with originals of the requested documents at my office on **Wednesday, April 18, 2012, at 10:00 A.M.** The records I am requesting are listed in an attachment to the Subpoena. The purpose of this production is so that I may arrange for inspection and copying of the records. I have also enclosed a check in the amount of \$20.00 representing a witness fee plus mileage.

If, however, you choose to provide me with a copy of these records in advance of the records deposition date, along with an executed sworn Records Custodian Certificate, your attendance will not be required. I trust this meets with your approval.

If you have questions regarding this or anything else, please do not hesitate in contacting me directly at the above listed address and phone number. Thank you in advance for your expected cooperation.

Very truly yours,

Thomas M. Loeb

TML/ps

Enclosures

cc: All Counsel of Record

First Class Mail and Certified Mail Return Receipt Requested, Tracking No. 7007 2680 0002 1456 2246

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

████████████████████,

Plaintiff

Case No. ██████████

vs

HON. RAE LEE CHABOT

████████████████████,

Defendant

_____ /

THOMAS M. LOEB (P25913)
Attorney for Plaintiff
32000 Northwestern Hwy., Ste. 170
Farmington Hills, MI 48334
(248) 851-2020
(248) 851-2525 - Fax
tmloeb@mich.com

_____ /

***NOTICE OF TAKING RECORDS ONLY DEPOSITION OF L & G INSURANCE
SERVICES OF MICHIGAN***

TO: William St. Charles, Resident Agent of L & G Insurance Services of Michigan:

PLEASE TAKE NOTICE that the deposition of the person named below will be taken at the date, times and place set forth below. This deposition is taken for all purposes in accordance with and pursuant to the provisions of MCR 2.305(A)(2), MCR 2.306(B)(5) and MCR 2.310(D). You are directed to produce the documents described in the attachment to the Subpoena at the deposition for inspection and copying.

No oral testimony will be taken.

DEPONENT: WILLIAM ST. CHARLES, RESIDENT AGENT of L & G Insurance Services of Michigan

PLACE: Law Offices of Thomas M. Loeb, 32000 Northwestern Hwy., Ste. 170, Farmington Hills, MI 48334

DATE: **WEDNESDAY, APRIL 18, 2012**

TIME: 10:00 A.M.

Respectfully submitted,

Thomas M. Loeb (P25913)
Attorney for Plaintiff
32000 Northwestern Hwy., Ste. 170
Farmington Hills, MI 48334
(248) 851-2020

April 5, 2012

CERTIFICATE OF SERVICE

I, Patricia E. Sinacola, hereby certify that on April 5, 2012, I sent via first class mail and certified mail, return receipt requested, a copy of Notice of Taking Deposition, Subpoena to Produce Documents and this Certificate of Service to the individual listed below:

William St. Charles, Resident Agent for L & G Insurance Services of Michigan, 49357 Pontiac Trail, Ste. 101, Wixom, MI 48393; and all counsel of record.

Patricia E. Sinacola

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. <div style="background-color: black; width: 100px; height: 20px; margin: 5px auto;"></div>
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Police Report No. (if applicable)	Court Address 1200 N. Telegraph Rd., Pontiac, MI 48341	Court telephone no. 248-858-0350
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Plaintiff(s) Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> <div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> <hr/> <input checked="" type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Probate In the matter of _____	V	Defendant(s) Respondent(s) <div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <hr/> Charge
--	----------	---

In the Name of the People of the State of Michigan. TO: L & G Insurance Services of Michigan
 c/o William St. Charles, Resident Agent
 49357 Pontiac Trail, Ste. 101
 Wixom, MI 48393

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED:

<input checked="" type="checkbox"/> 1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused. <input type="checkbox"/> The court address above <input checked="" type="checkbox"/> Other: <u>Law Offices of Thomas M. Loeb</u>		
Day WEDNESDAY	Date APRIL 18, 2012	Time 10:00 A.M.

- 2. Testify at trial / examination / hearing.
- 3. Produce/permit inspection or copying of the following items: SEE ATTACHED

- 4. Testify as to your assets, and bring with you the items listed in line 3 above.
- 5. Testify at deposition.
- 6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property attached.
- 7. Other: _____

<input checked="" type="checkbox"/> 8.	Person requesting subpoena Thomas M. Loeb, Esq.		Telephone no. 248-851-2020
	Address 32000 Northwestern Hwy., Ste. 170		
	City Farmington Hills	State MI	Zip 48334



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

April 4, 2012	P25913	<table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;">Court use only</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Served</td> <td style="text-align: center;"><input type="checkbox"/> Not Served</td> </tr> </table>	Court use only		<input type="checkbox"/> Served	<input type="checkbox"/> Not Served
Court use only						
<input type="checkbox"/> Served	<input type="checkbox"/> Not Served					
Date	Attorney Thomas M. Loeb	Bar no.				

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)
--	----	---

I served a copy of the subpoena, together with _____ Attachment

personal service
 registered or certified mail (copy of return receipt attached)
 on: _____

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ Attachment

on the following person and have been unable to complete service. _____

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles Traveled	Mileage fee	Total fee	Signature
\$		\$	\$	

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with: _____ Attachment

_____ on _____
Day, date, time

_____ on behalf of _____

Signature _____

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath before a judge concerning the money or property of:
 for the following reasons:

_____ Date _____ Signature

Subscribed and sworn to before me on _____, _____ County, Michigan.

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

**ATTACHMENT TO SUBPOENA TO
L & G INSURANCE SERVICES OF MICHIGAN**

Please produce a copy of the following:

1. The Allied automobile insurance policy and declarations page covering [REDACTED], insured, on December 1, 2010, relative to her 2009 Chrysler 300 automobile, bearing VIN [REDACTED]. It is believed that the policy number is [REDACTED].

2. The Allied insurance policy and declarations page covering [REDACTED], insured, relative to her 2009 Chrysler 300 automobile, bearing VIN [REDACTED]. It is believed that the policy number is [REDACTED] and currently in effect.

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

██████████,

Plaintiff

Case No. ██████████

vs

HON. RAE LEE CHABOT

██████████

Defendant

_____ /

THOMAS M. LOEB (P25913)
Attorney for Plaintiff
32000 Northwestern Hwy., Ste. 170
Farmington Hills, MI 48334
(248) 851-2020
(248) 851-2525 - Fax
tmloeb@mich.com

_____ /

CERTIFICATE OF RECORDS KEEPER

1. I am the custodian of records for L & G Insurance Services of Michigan.
2. I received a subpoena on _____.
3. I have examined the original records of L & G Insurance Services of Michigan and its related affiliates, subsidiaries and/or entities, and have attached a true and complete copy of the information that was described in the Attachment to Subpoena to Produce Documents.
4. The records produced contemporaneously were:
 - A. Made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
 - B. The records were kept in the course of regularly conducted business activities; and
 - C. It was the regular practice of L & G Insurance Services of Michigan to make the record.
5. This certificate is made in accordance with Michigan Court Rules.

I declare that the statements above are true to the best of my information, knowledge and belief.

Dated: _____

Signature

Name (type or print)

Address

City, State, Zip

Phone Number