

STATE OF NORTH CAROLINA		08 CVD 12310	
WAKE COUNTY		In the General Court of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division	
GARRY D. RENTZ AND DONNA A. RENTZ AND KRISTA C. LISTER		Additional File Numbers	
VERSUS		SUBPOENA DUCES TECUM	
BRADLEY COOPER		WAKE COUNTY, C.S.C.	
BY _____		G.S. 1A-1, Rule 45	
Party Requesting Subpoena <input type="checkbox"/> State/Plaintiff <input checked="" type="checkbox"/> Defendant		NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.	
Name and Address of Person Subpoenaed		Alternate Address	
TO	Dr. Ginger Calloway 834 Washington Street, Suite 200 Raleigh, North Carolina 27605		
Telephone No.	919-834-8033	Telephone No.	
<p><b>YOU ARE COMMANDED TO:</b> (check all that apply)</p> <input type="checkbox"/> appear and testify, in the above entitled action, before the court at the place, date and time indicated below. <input type="checkbox"/> appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below. <input checked="" type="checkbox"/> produce and permit inspection and copying of the following items listed on Exhibit A, which is attached hereto and incorporated by reference herein, at the place, date and time indicated below. <p>1. See Exhibit A, which is attached hereto and incorporated by reference herein.</p>			
Name and Location of Court/Place of Deposition/Place to Produce		Date to Appear/Produce	
Sandlin & Davidian, PA 5617 Departure Drive, Suite 109 Raleigh, North Carolina 27616		September 11, 2008	
		Time to Appear/Produce	
		10:00                      A.M.	
Name and Address of Applicant or Applicant's Attorney		Date	
Deborah Sandlin SANDLIN & DAVIDIAN, PA 5617 Departure Drive, Suite 109 Post Office Box 58569 Raleigh, North Carolina 27658-8569		August 28, 2007	
Telephone No. (919) 850-9199		Signature	
		<i>Deborah Sandlin</i>	
		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Superior Court Judge <input type="checkbox"/> Magistrate <input checked="" type="checkbox"/> Attorney/DA <input type="checkbox"/> District Court Judge	
<b>RETURN OF SERVICE</b>			
I certify this subpoena was received and served on the person subpoenaed as follows:			
By <input type="checkbox"/> personal delivery.			
<input checked="" type="checkbox"/> registered or certified mail, receipt requested and attached.			
<input type="checkbox"/> telephone communication (For use only by the sheriff's office for witness subpoenaed to appear and testify).			
<input type="checkbox"/> I was unable to serve this subpoena.			
Service Fee	<input type="checkbox"/> Paid <input type="checkbox"/> Due	Date Served	Signature of Authorized Server
\$			
<p><b>NOTE TO PERSON REQUESTING SUBPOENA:</b> A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.</p> <p style="text-align: center;">(Please See Reverse Side)</p>			
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**NOTE: Rule 45, North Carolina Rules Civil Procedure, Parts (c) and (d).**

**(c) Protection of Persons Subject to Subpoena**

(1) Avoid undue burden or expense. – A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney’s fees.

(2) For Production of public records or hospital medical records. – Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian’s custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian’s custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copies by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoena. – Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

- a. The subpoena fails to allow reasonable time for compliance.
- b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.
- c. The subpoena subjects a person to an undue burden.
- d. The subpoena is otherwise unreasonable or oppressive.
- e. The subpoena is procedurally defective.

(4) Order of court required to override objection. – If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person’s appearance at a deposition or to inspect and copy materials to which

an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person’s appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. – A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. – When a court enters an order compelling a deposition or the production of records, books, papers, documents, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, or tangible things specified in the subpoena.

(7) Trade secrets, confidential information. – When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. – When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person’s reasonable expenses including attorney’s fees.

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

(1) Form of response. – 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 the documents to correspond with the categories in the request.

(2) Specificity of objection. – When information subject to a subpoena is withheld on the objection that is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, or other tangible things not produced, sufficient for the requesting party to contest the objection.

**INFORMATION FOR WITNESS**

**NOTE:** *If you have any questions about being subpoenaed as a witness, you should contact the person named on the other side of this Subpoena in the box labeled “Name and Address of Applicant or Applicant’s Attorney.”*

**DUTIES OF A WITNESS**

- Unless otherwise directed by the presiding judge, you must answer all questions asked when you are on the stand giving testimony.
- In answering questions, speak clearly and loudly enough to be heard.
- Your answers to questions must be truthful.
- If you are commanded to produce any items, you must bring them with you to court or to the deposition.
- You must continue to attend court until released by the court. You must continue to attend a deposition until the deposition is completed.

**BRIBING OR THREATENING A WITNESS**

It is in violation of State law for anyone to attempt to bribe, threaten, harass, or intimidate a witness. If anyone attempts to do any of these things concerning your involvement as a witness in a case, you should promptly report that to the district attorney or the presiding judge.

**WITNESS FEE**

A witness under subpoena and that appears in court to testify, is entitled to a small daily fee, and to travel expense reimbursement, if it is necessary to travel outside the county in order to testify. (The fee for an “expert witness” will be set by the presiding judge.) After you have been discharged as a witness, if you desire to collect the statutory fee, you should immediately contact the Clerk’s office and certify to your attendance as a witness so that you will be paid any amount due you.

## Exhibit A

1. With regard to paragraph 5 of the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter, provide each and every document and thing relied upon by you that would lead you to believe that domestic violence and/or child abuse is present or relevant with regard to subjects of this matter or the parties of this matter or Nancy Cooper.
2. With regard to paragraph 7 of the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter, provide each and every document and thing relied upon by you that would lead you to believe that the children of this action were victims of trauma by way of emotional, psychological or sexual abuse.
3. With regard to paragraph 7 of the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter, provide each and every document and thing relied upon by you that would lead you to believe that any party to this action or Nancy Cooper was a victim of trauma as a result of emotional, psychological or sexual abuse or was a battered woman.
4. Each and every document and thing upon which you relied in drafting paragraph 8 of the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter. In particular, but not limited to, provide each and every document that you believe supports your statement, "Custody action was begun in the spring of this year with ongoing negotiations between the biological mother and biological father of these children regarding their custody."
5. Each and every document and thing upon which you relied in drafting paragraph 9 of the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter, including but not limited to each and every document provided to you by any person that you believe supports the claim that Defendant is emotionally unstable or has acted inconsistently with his constitutionally protected right to parent his children.
6. All correspondence between you and any person, including but not limited to Plaintiffs, counsel for Plaintiffs, and/or any law enforcement officer, regarding the subject matter of this action, the parties of this action, the murder investigation of Nancy Cooper, or any other factor you deemed relevant in drafting your affidavit dated July 23, 2008.
7. Any and all documents or things that tend to evidence any and all communication, whether oral or written (either electronically, text, memorandum, letter, etc.) between you and the Plaintiffs or their agents, including but not limited to any attorney at Tharrington Smith, LLP. This request includes but is not limited to telephone or cell phone records, e-mail correspondence, letters, memorandum and text messages.

8. A list of any and all cases in which you have opined that a biological parent may not be emotionally stable and or available for his or her children due to the death of the other parent without interviewing, meeting or consulting the surviving parent.
9. A list of any and all cases in which you have opined that a biological parent may not be emotionally stable and or available for his or her children without interviewing, meeting or consulting the parent.
10. Any and all documents and things that support the statements set forth in paragraph 12 of your affidavit dated July 23, 2008.
11. With regard to paragraph 12 of your affidavit dated July 23, 2008, please provide any and all documents and things that support that the minor children would not be in a physically or emotionally safe environment in which they can feel safe to disclose what they know.
12. With regard to paragraph 12 of your affidavit dated July 23, 2008, please provide any and all documents and things that would support that the minor children observed or witnessed anything regarding the death of their mother.
13. Any and all documents and things that support the statements set forth in paragraph 13 of your affidavit dated July 23, 2008.
14. Any and all documents and things that would show that the minor children would not have a stable, nurturing and supportive custodial environment with their father.
15. Any and all documents and things that would show that Defendant would not understand his own feelings and behaviors that are a result of the trauma referred to in paragraph 13 of your affidavit dated July 23, 2008.
16. Any and all documents and things that would show that Defendant would not understand how his own feelings and behaviors would affect or may affect the minor children that are the subject matter of this action.
17. Any and all documents or things that would support any contention that Plaintiffs would be more likely than Defendant or his family to obtain and participate in treatment for the minor children with experts that could provide specific trauma treatment.
18. Any and all documents or things that would support the statements made in paragraph 14 of your affidavit dated July 23, 2008, including but not limited to any document or thing that would tend to support that Defendant could not give his complete and undivided attention to the children's needs, fears and other behaviors as a result of the trauma contemplated by you in drafting your affidavit. Additionally, please provide any and all

documents or things that you reviewed or relied upon, including learned treatises in making the statements set forth in paragraph 19 of your affidavit dated July 23, 2008. Provide any and all documents and things that would evidence that Defendant does not have sufficient time or ability to be sufficiently undistracted regarding the welfare of his children to attend to their emotional needs in spite of his own emotional needs. Any and all documents or things you have reviewed regarding Defendant's personality, the personality of the minor children and the personality of the Plaintiffs.

19. With regard to paragraph 17 of your affidavit dated July 23, 2008, any and all documents or things that you contend support that the children are more likely to disclose any details regarding their mother or her death to someone other than Defendant. Also, please provide any and all documentation you may have considered regarding a false remembrance by a child when removed from his core family and placed in the care of parties that see the child no more than a few times per year.
20. Any and all documents and things that you believe show that Defendant was involved in the death of Nancy Cooper.
21. Any and all documents and things that you believe supports any statement made in paragraphs 17, 18 and 19 please provide all documents and things relied upon to make these statements in your July 23, 2008 affidavit.
22. Any and all documents and things that you believe supports your contention that Plaintiffs are better able to deal with the death of their daughter and sister respectively than Defendant's parents are better able to deal with the death of their grandchildren's mother and the circumstances attendant to that.
23. Other than the verified complaint and the *ex parte* order reviewed in this case, please provide each and every document that would support that Defendant has ever threatened suicide. Additionally, please provide any and all documentation and thing other than the complaint and *ex parte* order that you believe shows Defendant should have psychological testing.
24. Provide any and all documents you reviewed to determine the emotional health of any party to this case in which you executed an affidavit dated July 23, 2008.
25. Provide any and all contract for services in this matter with any person or entity, including but not limited to Alice Stubbs (or any other partner or employee of Tharrington Smith, LLP), any law enforcement office, the district attorneys' office.
26. Provide detail billing statements for all services rendered in this matter from the date of your first contact with any party or agent as well as any contact with Nancy Cooper.

27. Any and all correspondence from any person, including but not limited to Plaintiffs, Nancy Cooper, counsel for Plaintiffs, law enforcement officers (regarding the murder of Nancy Cooper) regarding any party to this action, the subject matter of this action, the minor children of this action, etc.
28. Any and all evidence of communication with any other professional regarding the facts of this case, whether formally or informally, whether a consult with a colleague or other professional, including but not limited to written communication and telephone records that would evidence the number called or received, the time of the call and the duration of the call.
29. Any and all documents or things you relied upon to form an **independent** opinion or recommendation regarding the statements set forth in your affidavit dated July 23, 2008, rather than the just the *ex parte complaint* and *ex parte custody order*.
30. All information considered when drafting your affidavit dated July 23, 2008, including but not limited to any data or research regarding "attachment" for the minor children.
31. Any and all data, documents, information or things that support removing a child from a surviving parent when another parent has died, including but not limited to the effects of attachment disorder, sense of death of both parents, grieving, etc.
32. A complete copy of your file, including but not limited to interview notes, notes from conversations with different individuals, documents or things relied upon in drafting your affidavit.
33. A complete copy of all mental and physical health records of any Plaintiff in this action that you have in your possession or that you considered in drafting your affidavit.
34. Any and all correspondence that you have reviewed and have in your possession between Nancy Cooper and any person.
35. Any and all documents and things that would evidence any ethical opinion you received or requested regarding your role in this matter as an expert.
36. A complete copy of the ethical guidelines to which you are bound in presenting the affidavit dated July 23, 2008 to the court and/or any subsequent testimony regarding the facts, circumstances or your recommendations/opinion regarding the children to this action or any party to this action.
37. To the extent not already provided, each and every document and thing upon which you relied in forming your opinions or recommendations set forth in the Affidavit of Ginger C. Calloway, PhD, which was executed by you on July 23, 2008 in this matter.