

May 24, 2005

*Via E-Mail and Federal Express*

Niles S. Benn  
Benn Law Firm  
103 East Market Street  
York, PA 17401

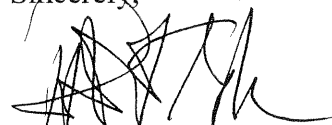
**Re: *Kitzmilller, et al. v. Dover Area School District, et al.,***  
**04-CV-2688 (M.D.Pa.)**

Dear Mr. Benn:

Accompanying this letter please find four subpoenas for the production of documents directed to the Joesph Maldonado, the York County Daily Record, Heidi Bernhard-Bubb, and the York Dispatch along with checks in the amount of the statutory fees. Thank you for agreeing to accept service of these subpoenas. Please know that I understand that by agreeing to accept service you do not waive any objections you may have to the subpoenas.

Thank you for your cooperation in this matter.

Sincerely,

  
Patrick T. Gillen

PTG/slp

Enclosure

cc: Thomas B. Schmidt (w/enc.)  
Witold J. Walczak (w/enc.)  
Richard Katskee (w/enc.)  
Paula K. Kundsens (w/enc.)  
Ron Turo (w/enc.)

**Issued by the  
UNITED STATES DISTRICT COURT**

Middle

DISTRICT OF

Pennsylvania

TAMMY KITZMILLER

SUBPOENA IN A CIVIL CASE

V.

DOVER AREA SCHOOL DISTRICT; DOVER AREA  
SCHOOL DISTRICT BOARD OF DIRECTORSCase Number:<sup>1</sup> 04-CV-2688 (M.D. Pa.)

TO: Heidi Bernhard-Bubb  
c/o York Dispatch  
205 N. George St.  
York, PA 17401

- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or place, date, and time specified below (list documents or objects):

See Attached Exhibit A

PLACE

Dover Area School District; 2 School Lane; Dover, Pennsylvania 17315

DATE AND TIME

June 7, 2005 at 9:00 a.m.

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

PREMISES

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 (INDICATE IF ATTORNEY FOR PLAINTIFF OR  
Attorney for Defendants

DATE

May 24, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Patrick T. Gillen, 24 Frank Lloyd Wright Drive, P.O. Box 393, Ann Arbor, MI 48106, (734) 827-2001

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

---

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

\_\_\_\_\_

---

Exhibit A to Bernhard-Bubb and York Dispatch Subpoenas.

1. All drafts of any story written by Heidi Bernhard-Bubb relating to the Dover Area School District, its officers, school board, school board members, administration, employees, or staff (referred to collectively herein as "DASD") or its schools from June 1, 2002 to the present.
2. Any document relating to any work by editorial staff relating to work of Heidi Bernhard-Bubb relating to DASD from June 1, 2002 to the present, including but not limited editorial to comments upon, and/or revisions or changes to, such work.
3. All notes, writings, or work-product of any kind relating in any way to any story written by Heidi Bernhard-Bubb relating to DASD or its schools from June 1, 2002 to the present.
4. All communications from, by, or to, officers, staff, agents, and employees of the York Daily Record and Heidi Bernhard-Bubb the accuracy and reliability of her work.
5. All communications to Bernhard-Bubb or the York Dispatch relating to any complaints about Heidi Bernhard-Bubb's work.
6. Any job performance review of any kind concerning Heidi Bernhard-Bubb.
7. Any communications by Bernhard-Bubb relating to Bill Buckingham, Alan Bonsell, Sheila Harkins, Heather Geesey, Jane Cleaver, Casey Brown, Jeff Brown, Noel Wenrich, Angie Yingling and other board members who have joined the board since September of 2004.
8. Any communications between Heidi Bernhard-Bubb and any person relating to DASD, Dover CARES, or candidates running under the banner of DOVER CARES from January 1, 2004 to the present.
9. Any communications from or to Heidi Bernhard-Bubb relating to the outcome of any primary or general election relating to the DASD from January 1, 2005 to the present.

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Middle DISTRICT OF Pennsylvania

TAMMY KITZMILLER

SUBPOENA IN A CIVIL CASE

V.

DOVER AREA SCHOOL DISTRICT; DOVER AREA  
SCHOOL DISTRICT BOARD OF DIRECTORS

Case Number:<sup>1</sup> 04-CV-2688 (M.D. Pa.)

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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Patrick T. Gillen, 24 Frank Lloyd Wright Drive, P.O. Box 393, Ann Arbor, MI 48106, (734) 827-2001	
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# Issued by the UNITED STATES DISTRICT COURT

Middle DISTRICT OF Pennsylvania

TAMMY KITZMILLER  
V.

SUBPOENA IN A CIVIL CASE

DOVER AREA SCHOOL DISTRICT; DOVER AREA  
SCHOOL DISTRICT BOARD OF DIRECTORS

Case Number:<sup>1</sup> 04-CV-2688 (M.D. Pa.)

TO: Joseph Maldonado  
c/o York County Daily Record  
122 S. George Street  
York, PA 17405

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified testify in the above case.

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Exhibit A to Maldonado and York Daily Record Subpoenas.

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UNITED STATES DISTRICT COURT**

Middle DISTRICT OF Pennsylvania

TAMMY KITZMILLER  
v.  
DOVER AREA SCHOOL DISTRICT; DOVER AREA  
SCHOOL DISTRICT BOARD OF DIRECTORS

SUBPOENA IN A CIVIL CASE

Case Number:<sup>1</sup> 04-CV-2688 (M.D. Pa.)

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**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,	)	
	)	
Plaintiffs,	)	Case No. 04-CV-2688
	)	(Hon. Judge Jones)
v.	)	
	)	
DOVER AREA SCHOOL DISTRICT and	)	
DOVER AREA SCHOOL DISTRICT	)	
BOARD OF DIRECTORS,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

Sharon Peper, being duly sworn, deposes and states that on the 24<sup>th</sup> day of May, 2005, she served copies of Subpoenas for Heidi Bernhard-Bubb, York Dispatch, Joseph Maldonado and York County Daily Record via E-Mail and Federal Express upon:

Niles S. Benn  
Benn Law Firm  
103 East Market Street  
York, PA 17401

and upon the following counsel of record by placing said document in an envelope and delivering same by U.S. Mail, postage pre-paid:

Eric Rothschild  
Stephen G. Harvey  
Joseph M. Farber  
Benjamin M. Mather  
Pepper Hamilton LLP  
3000 Two Logan Square  
18<sup>th</sup> & Arch Streets  
Philadelphia, PA 19103

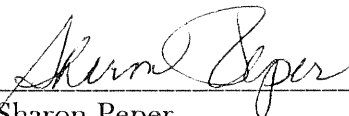
Thomas B. Schmidt, III  
Pepper Hamilton LLP  
200 One Keystone Plaza  
North Front and Market Streets  
PO Box 1181  
Harrisburg, PA 17108

Witold J. Walczak  
ACLU of Pennsylvania  
313 Atwood Street  
Pittsburgh, PA 15213

Paula K. Knudsen  
ACLU of Pennsylvania  
105 N. Front Street  
Suite 225  
Harrisburg, PA 17101

Richard B. Katskee  
Ayesha Khan  
Alex J. Luchenitser  
Americans United for Separation  
of Church and State  
518 C Street, NE  
Washington, DC 20002

Ron Turo  
Turo Law Offices  
29 South Pitt Street  
Carlisle, PA 17013

  
Sharon Peper