

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

Eric Rothschild
direct dial: 215-981-4813
rothshe@pepperlaw.com

September 2, 2005

VIA EMAIL AND U.S. MAIL

Patrick T. Gillen, Esquire
Thomas More Law Center
24 Frank Lloyd Wright Drive
P.O. Box 393
Ann Arbor, MI 48106

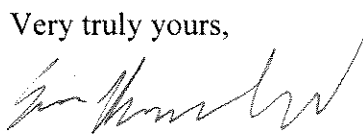
RE: Kitzmiller, et al. v. Dover Area School District, et al.;
No.: CV 04-2688

Dear Pat:

Enclosed please find a copy of the Notice of Trial Deposition and the Subpoena for William Buckingham.

If you have any questions or concerns, please feel free to contact me.

Very truly yours,



Eric Rothschild

Enclosures

cc: Steven G. Harvey, Esquire (w/enclosures)
Wiltold Walczak, Esquire (w/enclosures)

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

TAMMY J. KITZMILLER; BRYAN REHM,
CHRISTY REHM; DEBORAH F.
FENIMORE; JOEL A. LIEB;
STEVEN STOUGH; BETH A EVELAND;
CYNTHIA SNEATH; JULIE SMITH;
ARALENE D. CALLAHAN ("BARRIE");
FREDERICK B. CALLAHAN,

Plaintiffs,

v.

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

Defendants

CIVIL ACTION

NO. 4:04-CV-2688

NOTICE OF TRIAL DEPOSITION

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to the Court order authorizing preliminary discovery in this matter and Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs will take the trial deposition upon oral examination of **WILLIAM BUCKINGHAM,** before an officer authorized to administer oaths on **Tuesday, September 20, 2005 at 10 a.m.** at the **Office of Legal Reporting, 1216 Greensboro Rd, High Point, North Carolina 27260.** Said deposition will be recorded by sound and vision (i.e., audio/video tape), as well as by stenographic means and will continue until it is adjourned. This examination will be subject to further continuance from time to time and place to place until completed.



Eric Rothschild (PA 71746)
Stephen G. Harvey (PA 58233)
Alfred H. Wilcox (PA 12661)
Christopher J. Lowe (PA 90190)
Pepper Hamilton LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000
(215) 981-4750 (fax)
rothschilde@pepperlaw.com

Thomas B. Schmidt, III (PA 19196)
Pepper Hamilton LLP
200 One Keystone Plaza
North Front and Market Streets
P.O. Box 1181
Harrisburg, PA 17108
(717) 255-1155
(717) 238-0575 (fax)
schmidtt@pepperlaw.com

Witold J. Walczak (PA 62976)
ACLU of Pennsylvania
313 Atwood Street
Pittsburgh, PA 15213
412-681-7864
412-681-8707 (fax)
vwalczak@aclupgh.org

Paula K. Knudsen (PA 87607)
ACLU of Pennsylvania
105 N. Front St., Suite 225
Harrisburg, PA 17101
(717) 236-6827
(717) 236-6895 (fax)
pknudsen@aclupa.org

Ayesha Khan
Richard B. Katskee
Alex J. Luchenitser
Americans United for Separation of Church and
State
518 C St., NE
Washington, DC 20002
(202) 466-3234

Attorneys for plaintiffs
TAMMY KITZMILLER; BRYAN AND
CHRISTY REHM; DEBORAH FENIMORE AND
JOEL LIEB; STEVEN STOUGH; BETH
EVELAND; CYNTHIA SNEATH; JULIE SMITH,
AND ARALENE ("BARRIE") D. AND
FREDERICK B. CALLAHAN

Dated: September 1, 2005

Issued by the
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

KITZMILLER; et al.
v.
DOVER AREA SCHOOL DISTRICT, et al.

SUBPOENA IN A CIVIL CASE

Case Number:¹ 4:04-CV-2688
United States District Court
for the Middle District of
Pennsylvania

TO: William Buckingham
512 East Devon Drive
Mount Airy, NC 27030

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to 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 deposition in the above case. **This deposition will be videotaped for use at trial.**

PLACE OF DEPOSITION: Office of Legal Reporting, 1216 Greensboro Rd, High Point, North Carolina 27260 Phone: 800-884-1315	DATE AND TIME September 20, 2005 at 10 a.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE:	DATE AND TIME
--------	---------------

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

PREMISES	DATE AND TIME
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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 DEFENDANT) <i>Stephen G. Harvey, Attorney for Plaintiff</i>	DATE 9/1/05
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Stephen G. Harvey, Esquire, Pepper Hamilton LLP, 3000 Two Logan Square, 18 th and Arch Streets, Philadelphia, PA 19103 (215) 981-4450	

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

¹ 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

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS 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 on behalf of 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 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 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 may, within 14 days after service of 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 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 expense 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 person who is not a party or an officer of a

party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions 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 expense 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 who 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.