



Richard Thompson
President and Chief Counsel
Admitted in Michigan

June 13, 2005

Via Facsimile and U.S. Mail

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

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

Dear Mr. Benn:

As discussed today, enclosed please find Notices of Deposition for Joseph Maldonado and Heidi Bernhard-Bubb along with witness fee checks.

Very truly yours,

THOMAS MORE LAW CENTER

Edward L. White III*

*Admitted in Florida & Michigan

ELW/slp

cc: Eric Rothschild
Thomas B. Schmidt, III

RECEIVED JUN 13 2005

24 Frank Lloyd Wright Drive • P.O. Box 393 • Ann Arbor, Michigan 48106 • (734) 827-2001 • Fax: (734) 930-7160

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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

NOTICE OF DEPOSITION

TO: All Counsel of Record

PLEASE TAKE NOTICE, that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants will take the deposition upon oral examination of Joseph Maldonado before an officer authorized to administer oaths on Wednesday, June 15, 2005 at 9:00 a.m. at Dover Area School District; 2 School Lane; Dover, Pennsylvania 17315. Said deposition will be recorded 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.

The deponent is not a party to this action. The deponent has been served with a deposition subpoena, and a copy of said subpoena is attached hereto. The deponent is being provided with a check to cover the witness fee and mileage, a copy of which is attached hereto.

You are at liberty to appear and cross-examine the deponent.

A list of all parties or attorneys for parties and of the deponent's attorneys on whom this Notice of Deposition is being served is shown on the accompanying Certificate of Service.

Dated: June 13, 2005

By:



Robert J. Muise (MI P62849)*

Richard Thompson (MI P21410)*

Patrick T. Gillen (MI P47456)*

Edward L. White III (MI 62485)*

THOMAS MORE LAW CENTER

24 Frank Lloyd Wright Drive

P.O. Box 393

Ann Arbor, Michigan 48106

(734) 827-2001

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

Middle

DISTRICT OF

Pennsylvania

TAMMY KITZMILLER, et al.

SUBPOENA IN A CIVIL CASE

V.

DOVER AREA SCHOOL DISTRICT, et al.

Case Number: 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 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.

| | |
|-------------------------------------------------------------------------------------|------------------------------------|
| PLACE OF DEPOSITION Dover Area School District, 2 School Lane Dover, PA 17315 | DATE AND TIME 6/15/2005 9:00 am |
|-------------------------------------------------------------------------------------|------------------------------------|


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 |
|----------|---------------|

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)  Atty. for Defendants | DATE 6/10/2005 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Robert J. Muise, 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 & D on next page)

If action is pending in district other than district of issuance, state district under case number.

A088 (Rev. 1/94) Subpoena in a Civil Case

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 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.

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. |) | |

NOTICE OF DEPOSITION

TO: All Counsel of Record

PLEASE TAKE NOTICE, that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants will take the deposition upon oral examination of **Heidi Bernhard-Bubb** before an officer authorized to administer oaths on **Wednesday, June 15, 2005 at 1:00 p.m. at Dover Area School District; 2 School Lane; Dover, Pennsylvania 17315**. Said deposition will be recorded 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.

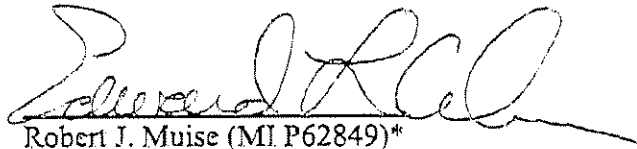
The deponent is not a party to this action. The deponent has been served with a deposition subpoena, and a copy of said subpoena is attached hereto. The deponent is being provided with a check to cover the witness fee and mileage, a copy of which is attached hereto.

You are at liberty to appear and cross-examine the deponent.

A list of all parties or attorneys for parties and of the deponent's attorneys on whom this Notice of Deposition is being served is shown on the accompanying Certificate of Service.

Dated: June 13, 2005

By:



Robert J. Muise (MI P62849)*

Richard Thompson (MI P21410)*

Patrick T. Gillen (MI P47456)*

Edward L. White III (MI 62485)*

THOMAS MORE LAW CENTER

24 Frank Lloyd Wright Drive

P.O. Box 393

Ann Arbor, Michigan 48106

(734) 827-2001

ADRS (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

Middle

DISTRICT OF

Pennsylvania

TAMMY KITZMILLER, et al.

SUBPOENA IN A CIVIL CASE

V.

DOVER AREA SCHOOL DISTRICT, et al.

Case Number:¹ 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 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.

| | |
|-------------------------------------------------------------------------------------|------------------------------------|
| PLACE OF DEPOSITION Dover Area School District, 2 School Lane Dover, PA 17315 | DATE AND TIME 6/15/2005 1:00 pm |
|-------------------------------------------------------------------------------------|------------------------------------|

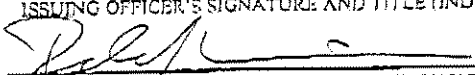
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

| | |
|-------|---------------|
| 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 |
|----------|---------------|

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)  Atty. for Defendants | DATE 6/10/2005 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Robert J. Mulse, 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 & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number

AO88 (Rev. 1/94) Subpoena in a Civil Case

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) (2) (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 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 commanding party to contest the claim.

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.) |) | |

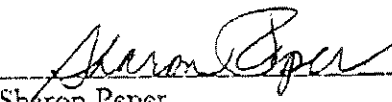
CERTIFICATE OF SERVICE

Sharon Peper, being duly sworn, deposes and states that on the 13th day of June, 2005, she served copies of **Notices of Deposition for Joseph Maldonado and Heidi Bernhard-Bubb** upon the following counsel of record by placing said document in an envelope and delivering same by U.S. Mail, postage pre-paid and via facsimile:

Eric Rothschild
Stephen G. Harvey
Joseph M. Farber
Benjamin M. Mather
Pepper Hamilton LLP
3000 Two Logan Square
18th & 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

Niles Benn
Benn Law Firm
103-107 E. Market Street
PO Box 5185
York, PA 17405-5185



Sharon Peper