

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

PATRICK C. DESMOND AND MARY)
C. DESMOND, INDIVIDUALLY, AND)
MARY C. DESMOND, AS)
ADMINISTRATRIX OF THE ESTATE)
OF PATRICK W. DESMOND,)

Civil Action No. 10A28641-2

Plaintiffs,)

v.)

NARCONON OF GEORGIA, INC.)
DELGADO DEVELOPMENT, INC.,)
SOVEREIGN PLACE, LLC, SOVEREIGN)
PLACE APARTMENT MANAGEMENT,)
INC., LISA CAROLINA ROBBINS, M.D.)
THE ROBBINS GROUP, INC., and)
NARCONON INTERNATIONAL,)

Defendants.)

**PLAINTIFFS' RESPONSE TO DEFENDANT NARCONON OF GEORGIA INC.'S
FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiffs in the above-styled cause, pursuant to O.C.G.A. § 9-11-34 hereby respond to Defendant Narconon of Georgia Inc.'s Fourth Request for Production of Documents as follows:

REQUESTS

1.

Any and all records – including call logs, billing statements, or any other record – for all home and mobile phone numbers held by Patrick W. Desmond from January 1, 2007 through December 31, 2008.

RESPONSE: Please see subpoena responses from AT&T and MetroPCS, produced contemporaneously herewith.

This 30th day of November, 2011.

**HARRIS PENN LOWRY DELCAMPO,
LLP**

JEFFREY R. HARRIS
Georgia Bar No. 330315
J. ANTONIO DELCAMPO
Georgia Bar No. 216815
JED D. MANTON
Georgia Bar No. 868587

400 Colony Square
1201 Peachtree Street, NE
Suite 900
Atlanta, GA 30361
Telephone: (404) 961-7650
Facsimile: (404) 961-7651

REBECCA C. FRANKLIN
Georgia Bar No. 141350

FRANKLIN LAW, LLC
400 Colony Square
1201 Peachtree Street, NE
Suite 900
Atlanta, GA 30361
Telephone: (404) 961-5333
Facsimile: (404) 969-4503

Attorneys for Plaintiffs

STATE COURT OF
DEKALB COUNTY, GA.

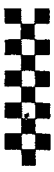
APR 10 11:27

FILED

2

JEFFREY R. HARRIS

J. Antonio DelCampo



AT&T SOUTHEAST
One AT&T Plaza, 10th Floor
208 S. Akard
Dallas, Texas 75202
Ph: 8002914952 Fax: 2483954398

Reference : CONTROL NUMBER: S-2010-12-14-073
CASE NUMBER: 10A28641-2

TO: LAURA SPIRES
HARRIS PENN & LOWRY LLP
PHONE: 4049617650
FAX: 4049617651

FROM: Geoff (AT&T SOUTHEAST)
NUMBER OF PAGES : 6
(EXCLUDING COVER)
COPY OF SUBPOENA INCLUDED IN TRANSMISSION

SENT ON: Dec 14, 2010 13:01:10

PLEASE CALL 8002914952 IF FAX TRANSMISSION IS INCOMPLETE.

The information contained in the following message is proprietary and confidential information intended for the use of the individual or entity named on this cover sheet. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.



AT&T Services, Inc. - Subpoena Center
One AT&T Plaza, 10th Floor
208 S. Akard
Dallas, Texas 75202

Dec 14, 2010

Reference : S-2010-12-14-073
10A28641-2

This is to acknowledge receipt of your legal process regarding the above referenced matter. AT&T SOUTHEAST will be unable to provide the records requested.

No records were found for the telephone number and/or address provided in your subpoena. Please review the information for possible error and re-issue your request if necessary.

PROVIDER FOR SUBSCRIBER IS METRO PCS

Should you have questions regarding this matter, please call our office at 800-291-4952.

Sincerely,

Geoff (AT&T SOUTHEAST)
Customer Billing Support (Subpoenas)

FROM: Michelle Martin (404) 965-3840
Atlanta Fulfillment Team 1
1201 Peachtree Street, N.E.



FedEx Revenue Barcode

Atlanta, GA 30361

TO: **Subpoena Center (800) 291-4952**
AT&T Services, Inc.
One AT&T Plaza
208 S. Akard, 10th Floor
Dallas, TX 75202

CAD: 827B244
SHIP DATE: 03DEC10
WEIGHT: 1.0 LB

DIMMED: X X

Ref: SOP/0404900/517690362/Michelle Martin



RELEASE#

DELIVERY ADDRESS (FedEx-EDR)

PRIORITY OVERNIGHT

MON

TRK # 7941 7896 6067

FORM
0201

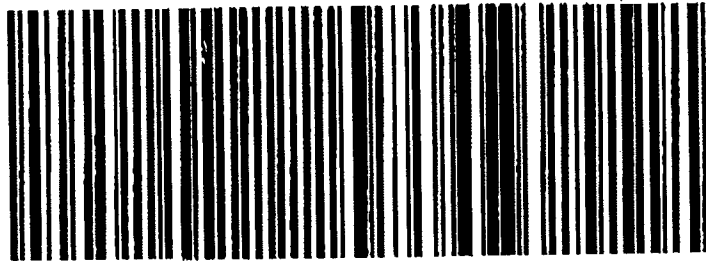
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06DEC10

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SE RBDA



J 1020101004


**Service of Process
Transmittal**

12/03/2010

CT Log Number 517690382



TO: Subpoena Center
AT&T Services, Inc.
One AT&T Plaza, 208 S. Akard, 10th Floor
Dallas, TX 75202-4295

RE: Process Served in Georgia

FOR: AT&T Corp. (Domestic State: NY)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Patrick C. Desmond and Mary C. Desmond, Individually, and Mary C. Desmond, As Administratrix of the The Estate of Patrick W. Desmond, P(L)s. vs. Narconon of Georgia, Inc., et al., Dfts. // To: AT&T Corp.

DOCUMENT(S) SERVED: Subpoena for the Production of Evidence, Certificate of Service

COURT/AGENCY: DeKalb County State Court, GA
Case # 10A28641-2

NATURE OF ACTION: Subpoena - Phone records - Pertaining to all records indicating incoming and outgoing call for cell phone number 321-506-4374 for June 2008 including but not limited to text messages and voicemails

ON WHOM PROCESS WAS SERVED: C T Corporation System, Atlanta, GA

DATE AND HOUR OF SERVICE: By Regular Mail on 12/03/2010 postmarked on 11/30/2010

APPEARANCE OR ANSWER DUE: Within 30 day of your receipt

ATTORNEY(S) / SENDER(S): Laura H. Spires
Harris Penn & Lowry, LLP
400 Colony Square
1201 Peachtree St. NE
Suite 90D
Atlanta, GA 30361
404-961-7650

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Priority Overnight , 794178966067

SIGNED: C T Corporation System
PER: Terence Hardley
ADDRESS: 1201 Peachtree Street, N.E.
Atlanta, GA 30361
TELEPHONE: 404-965-3840

Page 1 of 1 / MM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Desmond00803

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

PATRICK C. DESMOND AND MARY
C. DESMOND, INDIVIDUALLY, AND
MARY C. DESMOND, AS
ADMINISTRATRIX OF THE ESTATE
OF PATRICK W. DESMOND,

Plaintiffs,

v.

NARCONON OF GEORGIA, INC.
DELGADO DEVELOPMENT, INC.,
SOVEREIGN PLACE, I.I.C, SOVEREIGN
PLACE APARTMENT MANAGEMENT,
INC., LISA CAROLINA ROBBINS, M.D.
THE ROBBINS GROUP, INC., and
NARCONON INTERNATIONAL,

Defendants.

Civil Action No. 10A28641-2

SUBPOENA FOR THE PRODUCTION OF EVIDENCE

<p>To: <u>VIA CERTIFIED MAIL</u> AT&T National Subpoena Compliance Center 215 Fifth Street West Palm Beach, Florida 33401</p>	<p><u>VIA REGULAR MAIL</u> AT&T Corp. c/o CT Corporation System, Registered Agent 1201 Peachtree Street, NE Atlanta, Georgia 30361</p>
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YOU ARE HEREBY required to produce a copy of the documents designated below which are in your possession, custody or control. You are requested to produce the documents requested herein within thirty (30) days of your receipt hereof by either (1) producing said originals, in person, at the offices of Harris Penn & Lowry, LLP, 400 Colony Square, 1201 Peachtree Street, NE, Suite 900, Atlanta, Georgia 30361; or (2) by mailing a certified copy of said documents to Jeffrey R. Harris, Esq., at the address shown above.

The following documents are hereby subpoenaed:

1. All records indicating incoming and outgoing calls for cell phone number 321-506-4374, for June 2008, including but not limited to text messages and voicemails.

This the 30th day of November, 2010.

HARRIS PENN & LOWRY, LLP



JEFFREY K. HARRIS
 Georgia Bar No: 330315
 DARREN W. PENN
 Georgia Bar No. 571322
 STEPHEN G. LOWRY
 Georgia Bar No: 460289
 PAUL W. PAINTER, III
 Georgia Bar No. 520965
 JED D. MANTON
 Georgia Bar No. 868587
 LAURA H. SPIRES
 Georgia Bar No. 002447

HARRIS PENN & LOWRY, LLP
 400 Colony Square
 1201 Peachtree St., NE
 Suite 900
 Atlanta, GA 30361
 Telephone: (404) 961-7650
 Facsimile: (404) 961-7651

REBECCA FRANKLIN
 Georgia Bar No. 141350

FRANKLIN LAW, LLC
 Midtown Proscenium Center
 1170 Peachtree Street
 Suite 1200
 Atlanta, GA 30309
 Telephone: (404) 961-5333
 Facsimile: (404) 969-4503

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day submitted **SUBPOENA FOR THE PRODUCTION OF EVIDENCE** via First Class Mail addressed to:

Robert G. Tanner, Esq.
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
3344 Peachtree Road, Suite 2400
Atlanta, Georgia 30326

Melanie C. Eyer, Esq.
Belli Weil Grozbean & Davis
8010 Roswell Road, Suite 200
Atlanta, Georgia 30350

*Attorneys for Defendants Lisa Carolina
Robbins, M.D., and The Robbins Group, Inc.*

*Attorneys for Defendants Delgado
Development, Inc.*

Marvin Dikeman, Esq.
Webb, Zschunke, Neary & Dikeman LLP
One Securities Centre, Suite 1210
3490 Piedmont Road, NE
Atlanta, Georgia 30305

Stevan A Miller, Esq.
Drew, Eckl & Farnham, LLP
880 W. Peachtree Street
P.O. Box 7600
Atlanta, Georgia 30357

*Attorneys for Defendants Sovereign Place,
LLC, and Sovereign Place Apartment
Management, Inc.*

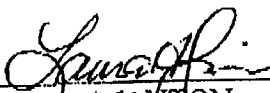
*Attorneys for Narconon of Georgia, Inc., and
Narconon International*

AT&T National Subpoena Compliance Center
215 Fifth Street
West Palm Beach, Florida 33401

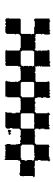
AT&T Corp.
c/o CT Corporation System, Registered Agent
1201 Peachtree Street, NE
Atlanta, Georgia 30361

This the 30th day of November, 2010.

HARRIS PENN & LOWRY, LLP



JED D. MANTON
Ga. Bar No. 868587
JEFFREY R. HARRIS
Ga. Bar No: 330315
LAURA H. SPIRES
Ga. Bar No. 002447



metroPCS

Compliance Department
2250 Lakeside Blvd
Richardson, TX. 75082
Tel: 800-571-1265 Fax: 972-860-2635
Email: leaquestions@metropcs.com

To: 14049617651
From: Compliance Department
Subject: Fax regarding Request# 291951

Message:

TO: JefferyHarris

This is an automated delivery of the results of your request #291951 Replies to this email address/fax number will be rejected.

From: 4345_security@metropcs.com
TO: "SUBPEONAS AUDIT" <Subpeonas@metropcs.com>
Sent: 12/21/2010 3:54:52 PM
Subject: [blank]

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

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http://www.hp.com/go/HP_Digital_Sender_Module.com



CORPORATION SERVICE COMPANY

API / ALL
Transmittal Number: 8289644
Date Processed: 12/16/2010

Notice of Service of Process

Primary Contact: Mark Stachiw
MetroPCS, Inc.
2250 Lakeside Boulevard
Richardson, TX 75082

Copy of transmittal only provided to: Charly McCleskey
Legal Department
Shirley Petty
Mr. Chris Luna

Entity:	MetroPCS Wireless, Inc. Entity ID Number 0649381
Entity Served:	MetroPCS Wireless, Inc.
Title of Action:	Patrick C. Desmond vs. Narconon of Georgia, Inc.
Document(s) Type:	Subpoena
Nature of Action:	Information/Appearance Request.
Court/Agency:	Dekalb County State Court, Georgia
Case/Reference No:	10A28641-2
Jurisdiction Served:	Georgia
Date Served on CSC:	12/16/2010
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Laura H. Spires 404-961-7650

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To avoid potential delay, please do not send your response to CSC
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**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

PATRICK C. DESMOND AND MARY)
C. DESMOND, INDIVIDUALLY, AND)
MARY C. DESMOND, AS)
ADMINISTRATRIX OF THE ESTATE)
OF PATRICK W. DESMOND,)

Civil Action No. 10A28641-2

Plaintiffs,)

v.)

NARCONON OF GEORGIA, INC.)
DELGADO DEVELOPMENT, INC.,)
SOVEREIGN PLACE, LLC, SOVEREIGN)
PLACE APARTMENT MANAGEMENT,)
INC., LISA CAROLINA ROBBINS, M.D.)
THE ROBBINS GROUP, INC., and)
NARCONON INTERNATIONAL,)

Defendants.)

SUBPOENA FOR THE PRODUCTION OF EVIDENCE

To:	<u>VIA CERTIFIED MAIL</u> MetroPCS Wireless, Inc. c/o Corporation Service Company, Inc. 40 Technology Pkwy. South, #300 Norcross, GA 30092
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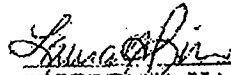
YOU ARE HEREBY required to produce a copy of the documents designated below which are in your possession, custody or control. You are requested to produce the documents requested herein within thirty (30) days of your receipt hereof by either (1) producing said originals, in person, at the offices of Harris Penn & Lowry, LLP, 400 Colony Square, 1201 Peachtree Street, NE, Suite 900, Atlanta, Georgia 30361; or (2) by mailing a certified copy of said documents to Jeffrey R. Harris, Esq., at the address shown above.

The following documents are hereby subpoenaed:

1. All records indicating incoming and outgoing calls for cell phone number 321-506-4374, for June 2008, including but not limited to text messages and voicemails.

This the 14th day of December, 2010.

HARRIS PENN & LOWRY, LLP



JEFFREY K. HARRIS
Georgia Bar No: 330315
DARREN W. PENN
Georgia Bar No. 571322
STEPHEN G. LOWRY
Georgia Bar No: 460289
PAUL W. PAINTER, III
Georgia Bar No. 520965
JED D. MANTON
Georgia Bar No. 868587
LAURA H. SPIRES
Georgia Bar No. 002447

HARRIS PENN & LOWRY, LLP
400 Colony Square
1201 Peachtree St., NE
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Atlanta, GA 30361
Telephone: (404) 961-7650
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REBECCA FRANKLIN
Georgia Bar No. 141350

FRANKLIN LAW, LLC
Midtown Proscenium Center
1170 Peachtree Street
Suite 1200
Atlanta, GA 30309
Telephone: (404) 961-5333
Facsimile: (404) 969-4503

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day submitted **SUBPOENA FOR THE PRODUCTION OF EVIDENCE** via First Class Mail addressed to:

Robert G. Tanner, Esq.
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
3344 Peachtree Road, Suite 2400
Atlanta, Georgia 30326

Melanie C. Eyer, Esq.
Belli Weil Grozbean & Davis
8010 Roswell Road, Suite 200
Atlanta, Georgia 30350

*Attorneys for Defendants Lisa Carolina
Robbins, M.D., and The Robbins Group, Inc.*

*Attorneys for Defendants Delgado
Development, Inc.*

Marvin Dikeman, Esq.
Webb, Zschunke, Neary & Dikeman LLP
One Securities Centre, Suite 1210
3490 Piedmont Road, NE
Atlanta, Georgia 30305

Stevan A. Miller, Esq.
Drew, Eckl & Farnham, LLP
880 W. Peachtree Street
P.O. Box 7600
Atlanta, Georgia 30357

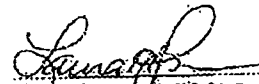
*Attorneys for Defendants Sovereign Place,
LLC, and Sovereign Place Apartment
Management, Inc.*

*Attorneys for Narconon of Georgia, Inc., and
Narconon International*

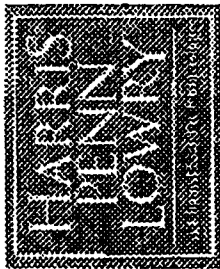
MetroPCS Wireless, Inc.
c/o Corporation Service Company, Inc.
40 Technology Pkwy. South, #300
Norcross, GA 30092

This the 14th day of December, 2010.

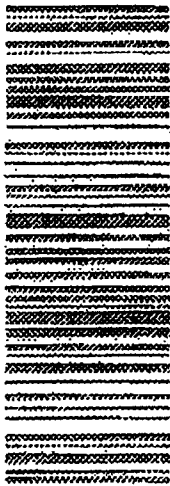
HARRIS PENN & LOWRY, LLP



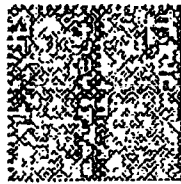
JED D. MANTON
Ga. Bar No. 868587
JEFFREY R. HARRIS
Ga. Bar No. 330315
LAURA H. SPIRES
Ga. Bar No. 002447



400 Colony Square
1201 Peachtree Street, NE
Suite 900
Atlanta, GA 30361

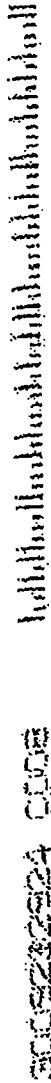


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UNITED STATES POSTAGE
METROPCS
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MAILED FROM ZIP CODE 30308

MetroPCS Wireless, Inc.
c/o Corporation Service Company, Inc.
40 Technology Pkwy. South, #300
Norcross, GA 30092





DECLARATION FOR METROPCS RECORDS

Jason Smith
Security Compliance
2250 Lakeside Blvd
Richardson, Texas 75082
1.800.571.1265

Re: LERMS # 291951

Target Number: 321-506-4374

I, Jason Smith, hereby declare:

I am employed by MetroPCS Inc. and have been designated as Custodian of Records with responsibility for MetroPCS' compliance with the subpoena duces tecum, search warrant or court order.

The attached records are true copies of all the records described in the legal process (subpoena, search warrant, or court order). I personally have conducted or supervised compliance by MetroPCS with the subpoena duces tecum, search warrant or court order. The records are either call detail or subscriber records, employee records, or other wireless records, depending upon the legal process (subpoena duces tecum, search warrant, or court order) request.

MetroPCS allows its customers' unlimited use of their services and therefore does not need call detail records for billing purposes. Call detail records are maintained solely for the purpose of complying with legal processes as mandated by CALEA.

Subscriber Records

The subscriber records were prepared by MetroPCS personnel in the ordinary course of business at or near the time of the act, condition, or event. Account information is entered into the MetroPCS Billing System where the data is stored. The Custodian of Records retrieves the stored data from the MetroPCS Billing System via billing software for compliance purposes.

Call Detail Records

Call detail is recorded at the MetroPCS switch at the time of the event. MetroPCS makes it a regular business practice to have the records stored for the purpose of assisting government agencies with lawful subpoena requests for subscriber records. **The call detail files are maintained for approximately 6 months depending on size and quantity, after which they are overwritten.**

That a thorough search of our files revealed that the above requested call detail records and text messages existed at one time, but all of the records have since been purged. Call details are maintained for approximately 6 months and text messages are maintained for approximately 60 days.

I, Jason Smith, declare under penalty of perjury, that the foregoing is true and correct.

Executed at Dallas, Texas on JAN. 3, 2010.

metro PDS

Subscriber Records Created: 1/4/2011 9:25:25 AM

Search Type:	Search Number:	Search Start Date:	Search End Date:
MDN	3215064374	6/1/2008	6/30/2008
No Records Found For the Date Range Given			

CERTIFICATE OF SERVICE

This is to certify that I have this day submitted **PLAINTIFFS' RESPONSE TO DEFENDANT NARCONON OF GEORGIA INC.'S FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS** via U.S. Mail proper postage prepaid, addressed as follows:

Robert G. Tanner, Esq.
Jeffrey N. Amason, Esq.
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
3344 Peachtree Road, Suite 2400
Atlanta, Georgia 30326

Sean L. Hynes, Esq.
Downey & Cleveland, LLP
288 Washington Ave.
Marietta, GA 30060

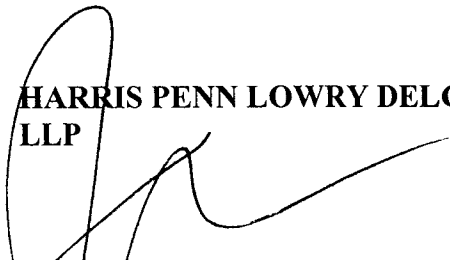
*Attorneys for Lisa Carolina Robbins, M.D., and
The Robbins Group, Inc.*

Attorneys for Delgado Development, Inc.

Stevan A Miller, Esq.
Drew, Eckl & Farnham, LLP
880 W. Peachtree Street
P.O. Box 7600
Atlanta, Georgia 30357

*Attorneys for Narconon of Georgia, Inc.,
and Narconon International*

This the 30th day of November, 2011.

**HARRIS PENN LOWRY DELCAMPO,
LLP**


J. ANTONIO DELCAMPO
Georgia Bar No. 216815
JEFFREY R. HARRIS
Georgia Bar No. 330315