


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Leslie R. Kop, HI SBN# 4794 - Law Offices of Leslie R. Kop 1100 Ward Avenue, Suite 500 Honolulu, Hawaii 96814 TELEPHONE NO: (808) 527-7063 FAX NO. (Optional): E-MAIL ADDRESS (Optional): Kyo-Ya Hotels & Resorts, LP ATTORNEY FOR (Name): dba Sheraton Waikiki Hotel	FOR COURT USE ONLY FILED 16 AUG 15 PM 1:52 ROSA JUNQUEIRO, CLERK BY  DEPUTY 16-03# 90346
Court for county in which discovery is to be conducted: San Joaquin SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 222 E. Weber Avenue MAILING ADDRESS: 222 E. Weber Avenue CITY AND ZIP CODE: Stockton, California 95202 BRANCH NAME: Stockton Courthouse	CALIFORNIA CASE NUMBER (if any assigned by court) 16-03
Court in which action is pending: Circuit Court (O'ahu First Circuit) Name of Court: Ka'ahumanu Hale STREET ADDRESS: 777 Punchbowl Street MAILING ADDRESS: 777 Punchbowl Street CITY, STATE, AND ZIP CODE: Honolulu HI 96813 - 5093 COUNTRY: USA	CASE NUMBER (of action pending outside California) 16-1-0227-02 (KKS)
PLAINTIFF/PETITIONER: LINDA BUCKLEY DEFENDANT/RESPONDENT: KYO-YA HOTELS & RESORTS, LP dba SHERATON WAIKIKI HOTEL	
APPLICATION FOR DISCOVERY SUBPOENA IN ACTION PENDING OUTSIDE CALIFORNIA	

1. Applicant (name): **Kyo-Ya Hotels & Resorts, dba Sheraton Waikiki Hotel** is (check one):
 Plaintiff Petitioner Defendant Respondent Other (specify):
 in the above action.
2. Applicant requests that this court issue a subpoena for discovery under Code of Civil Procedure sections 2029.100 - 2029.900 to (name and address of deponent or person in control of property):
Custodian of Records of the University of the Pacific, 3601 Pacific Avenue, Stockton, CA 95211
3. Attached is (check one): the original a true and correct copy of the document from the court in which the action is pending that requires the person in 2 to (check all that apply):
 a. attend and give testimony at a deposition;
 b. produce and permit inspection and copying of designated materials, information, or tangible things in the possession, custody, or control of the deponent;
 c. permit the inspection of premises under the control of the deponent.
4. Applicant submits with this application a proposed subpoena that includes terms identical to those in the document from the out-of-state court. (Code of Civil Procedure section 2029.300(d).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **August 10, 2016**

Leslie R. Kop

(TYPE OR PRINT NAME)


 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

Note: This application must be accompanied by the fee specified in Government Code section 70626.
 A discovery subpoena must be personally served on the deponent in compliance with California law, including Code of Civil Procedure section 1985.

PLAINTIFF/PETITIONER: LINDA BUCKLEY DEFENDANT/RESPONDENT: KYO-YA HOTELS & RESORTS, LP dba SHERATON WAIKIKI HOTEL	CASE NUMBER:
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6. Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

7. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedures section 1985.3 or 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.
8. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: AUG 15 2016

Stephanie Ceja

(TYPE OR PRINT NAME)

Stephanie Ceja

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Legal Process Clerk II

(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents, Electronically Stored Information, and Things in Action Pending Outside California by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1) were paid. Amount \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

a. Not a registered California process server

b. California sheriff or marshal

c. Registered California process server

d. Employee or independent contractor of a registered California process server

e. Exempt from registration under Business and Professions Code section 22350(b)

f. Name, address, telephone number, and, if applicable, county of registration and number:

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only) I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

SHORT TITLE: Buckley v. Kyo-Ya Hotels & Resorts, LP	CASE NUMBER: 16-1-0227-02 (KKS)
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ATTACHMENT (Number): 3*(This Attachment may be used with any Judicial Council form.)*

The documents, electronically stored information, and things to be produced and any testing or sampling being sought are described as follows ((if electronically stored information is required, the form or forms in which each type of information is to be produced may be specified):

Any and all original employment records, including without limitation, applications, disciplinary actions, personnel records, discharges, payroll records, promotions, resignations and other personnel or employment records pertaining to LINDA BUCKLEY, Date of Birth: XX-XX-1952; Social Security Number: XXX-XX-X544.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

SHORT TITLE: Buckley v. Kyo-Ya Hotels & Resorts, LP	CASE NUMBER: 16-1-0227-02 (KKS)
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ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

1. Please state your name.
2. What is your residence address?
3. Are you employed?
4. What is your employer's name?
5. What is your employer's address?
6. What is your job or position with your employer?
7. In that position, do you have under your care, custody and control the records listed in the Subpoena Duces Tecum which was served upon you?
8. Were you served with a Subpoena Duces Tecum requiring your appearance before the notary public for the purpose of answering these questions and requiring you to bring with you the records listed in the Subpoena Duces Tecum which was served upon you?
9. Do you have all of those records with you?
10. If you do not have those records with you, please explain why you have no records.
11. Were those records made at or near the time of the occurrence, event(s), condition(s), or circumstance(s) of the matters set forth in those records?
12. Were those records made by a person with knowledge, or from information by a person with knowledge, of the information contained in those records?
13. Were those records made or kept by your employer and/or other employees in the ordinary course of your employer's business?
14. Are those records complete?
15. If not, please explain what is missing and why it is missing?
16. Has any portion of those records ever been removed from your care, custody and control prior to this time?
17. If so, when and by whom?
18. Has any portion of those records ever been altered prior to this time?
19. If so, when and by whom?
20. What identifies those records as pertaining to the records required by the Subpoena Duces Tecum?
21. Would you please turn over to the notary public at this time the originals or complete and legible copies of the records listed in the Subpoena Duces Tecum which was served upon you?
22. Please describe briefly, but completely so that they may be readily identified, any of your employer's records pertaining to those required by the Subpoena Duces Tecum which you have not turned over to the notary public, including both those records which you have brought with you and those which you have not brought with you, and the grounds why the records are being withheld.
23. Are you willing to waive the reading and signing of this deposition?

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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ATTACHMENT (Number): 5*(This Attachment may be used with any Judicial Council form.)*

Attorneys for the parties to this action or parties without attorneys are:

LAW OFFICES OF LESLIE R. KOP
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Tel: (808) 536-1900

Arbitrator

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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