

2016 DEC -2 AM 11:16

ROSA JUNQUEIRO, CLERK

BY *Rosa Junqueiro* DEPUTY

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Palina do Amaral - California State Bar No. 196757 Lieff Cabraser Heimann & Bernstein LLP 275 Battery St., San Francisco, CA 94111 TELEPHONE NO.: 415-956-1000 FAX NO. (Optional): 415-956-1008 E-MAIL ADDRESS (Optional): pdoamaral@lchb.com ATTORNEY FOR (Name): B.F., M.F. and Steven Farber</p>	
<p>Court for county in which discovery is to be conducted: San Joaquin SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 222 E. Webber Ave. MAILING ADDRESS: 222 E. Webber Ave. CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton Courthouse</p>	<p>CALIFORNIA CASE NUMBER (if any assigned by court) 2016-05</p>
<p>Court in which action is pending: New York State Supreme Court Name of Court: New York State Supreme Court New York County STREET ADDRESS: 60 Center St. MAILING ADDRESS: 60 Center St. CITY, STATE, AND ZIP CODE: New York, NY 10007 COUNTRY: USA</p>	<p>CASE NUMBER (of action pending outside California): 800405/2011</p>
<p>PLAINTIFF/PETITIONER: B.F., M.F. and Steven Farber DEFENDANT/RESPONDENT: Alan Copperman, M.D., et al.</p>	
<p>APPLICATION FOR DISCOVERY SUBPOENA IN ACTION PENDING OUTSIDE CALIFORNIA</p>	

1. Applicant (name): **B.F. and Steven Farber** 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):
Sweta S. Patel - 1433 Wildwood Dr., Lodi, CA 95242

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: **November 28, 2016**

Paulina do Amaral

 (TYPE OR PRINT NAME)

Paulina do Amaral

 (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.

By Fax

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paulina do Amaral - California State Bar No. 196757 Lieff Cabraser Heimann & Bernstein LLP 275 Battery Street, San Francisco, CA 94111 TELEPHONE NO.: 415-956-1000 FAX NO. (Optional): 415-956-1008 E-MAIL ADDRESS (Optional): pdoamaral@lchb.com ATTORNEY FOR (Name): B.F., M.F. and Steven Farber	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: San Joaquin SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 222 E. Webber Ave. MAILING ADDRESS: 222 E. Webber Ave. CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton Courthouse	
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PLAINTIFF/PETITIONER: B.F., M.F. and Steven Farber DEFENDANT/RESPONDENT: Alan Copperman, M.D., et al.	CALIFORNIA CASE NUMBER (if any assigned by court): 2016-05
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): 800405-2011

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Sweta S. Patel - 1433 Wildwood Dr., Lodi, CA 95242

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in the action specified above at the following date, time, and place:

Date: December 19, 2016	Time: 9:00am	Address: 11337 E Kettleman Ln, Lodi, CA 95240
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- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)
- b. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
2. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

Continued on Attachment 2 (use form MC-025).

3. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):

Phillip HoSang
Aaronson Rappaport Feinstein & Deutsch, LLP
600 Third Avenue
New York, NY 10016

Jonathan Janofsky
Peter C. Kopff, LLC
1055 Franklin Avenue, Suite 306
Garden City, New York 11530

Continued on Attachment 3 (use form MC-025).

PLAINTIFF/PETITIONER: B.F., M.F. and Steven Farber	CASE NUMBER (of action pending outside California):
DEFENDANT/RESPONDENT: Alan Copperman, M.D., et al.	800405-2011

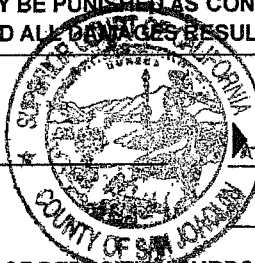
4. Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 4 (use form MC-025).

5. 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: **DEC 01 2016**
LORNA GUERRERO
(TYPE OR PRINT NAME)



[Handwritten Signature]
(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

- I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:
 - Person served
 - Address where served:
 - Date of delivery:
 - Time of delivery:
 - Witness fees and mileage both ways (check one):
 - were paid. Amount: \$ _____
 - were not paid.
 - were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____
 - Fee for service: \$ _____
- I received this subpoena for service on (date):
- Person serving:
 - Not a registered California process server
 - California sheriff or marshal
 - Registered California process server
 - Employee or independent contractor of a registered California process server
 - Exempt from registration under Business and Professions Code section 22350(b)
 - 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:

▶ _____

(SIGNATURE)

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

Date:

▶ _____

(SIGNATURE)

2016-05

EX PARTE MOTION OFFICE

**APPROVED
FOR THE PAYMENT
OF MOTION FEE
ONLY**

TAS
At Part 6 of the Supreme Court of the State of New York held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 10 day of November, 2016.

MS# 11

PRESENT:

HON. JOAN LOBIS, J.S.C.

B.F. and STEVEN FARBER, a married couple, individually and as parents and natural guardians on behalf of their minor child, M.F.,

Plaintiffs,

v.

REPRODUCTIVE MEDICINE ASSOCIATES OF NEW YORK, LLP, and ALAN COPPERMAN, M.D.,

Defendants.

Index No. 800405-2011

FILED
AND FEE PAID

NOV 17 2016

COUNTY CLERK'S OFFICE

**ORDER TO SHOW CAUSE
OPEN COMMISSION FOR
EXAMINATION BEFORE TRIAL
AND SUBPOENA DUCES TECUM
OF SWETA PATEL**


UPON the annexed Affirmation of Kelly K. McNabb, dated November 17, 2016, and the exhibits annexed thereto, and upon the motion of Lief Cabraser Heimann & Bernstein, LLP, attorneys for plaintiffs B.F. and STEVEN FARBER, a married couple, individually and as parents and natural guardians on behalf of their minor child, M.F. ("Plaintiffs"), it is hereby

ORDERED that defendants REPRODUCTIVE MEDICINE ASSOCIATES OF NEW YORK, LLP and /or ALAN COPPERMAN, M.D. ("Defendants") ^{or counsel appear and} show cause at Part 6, at the Courthouse located at 60 Centre Street, Room 345, New York, New York on the 6th day of Dec. 2016 at 9:30 o'clock in the noon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made and entered pursuant to CPLR § 3108 authorizing the issuance of an Open Commission to the Los Angeles Superior Court of the State of California to enable Plaintiffs to serve a subpoena for an examination before trial (deposition) with an accompanying duces tecum on SWETA PATEL as a non-party witness in the State of California, and that all parties show cause at the time

and place aforesaid why the Court should not grant Plaintiff such other and further relief which the Court deems appropriate.

ORDERED that service of a copy of this Order to Show Cause, together with the papers upon which it is based, shall be deemed good and sufficient service if made by Federal Express delivery upon PETER C. KOPFF, LLC, Attn: Jonathan Janofsky, 1055 Franklin Avenue, Suite 306, Garden City, NY 11530, Attorney for Defendant Reproductive Medicine Associates of New York, LLP and AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP, Attn: Phillip W. Hosang, Jr., 600 Third Ave., New York, NY 10016, Attorney for Defendant Alan Copperman, MD on or before November 21, 2016.

ORAL ARGUMENT REQUIRED.



J.S.C.

JOAN B. LOBIS, J.S.C.

ENTER:



Joan Lobis, J.S.C

JOAN B. LOBIS, J.S.C.