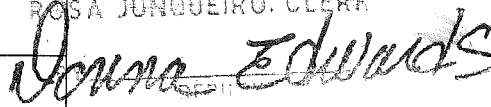


ORIGINAL

SUBP-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): O'Connor Playdon Guben & Inouye LLP/Dennis E.W. O'Connor (4084) Pacific Guardian Center, Makai Tower 733 Bishop Street, 24th Flr, Honolulu, HI 96813 TELEPHONE NO.: 808-524-8350 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): David Couper	FILED FOR COURT USE ONLY 2017 MAY 19 PM 1:48 ROSA JUNQUEIRO, CLERK  \$30 170694
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 Ave. MAILING ADDRESS: 222 E. Weber Ave. CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Central	
Court in which action is pending: First Circuit Court, State of Hawaii Name of Court: First Circuit Court, State of Hawaii STREET ADDRESS: 777 Punchbowl Street MAILING ADDRESS: 777 Punchbowl Street CITY, STATE, AND ZIP CODE: Honolulu, HI 96813 COUNTRY: United States	
PLAINTIFF/PETITIONER: David Couper DEFENDANT/RESPONDENT: Hilton Hawaiian Village LLC, et al.	
APPLICATION FOR DISCOVERY SUBPOENA IN ACTION PENDING OUTSIDE CALIFORNIA	CALIFORNIA CASE NUMBER (if any assigned by court) 17-02 CASE NUMBER (of action pending outside California): 14-1-1916-09 VLC

1. Applicant (name): **David Couper** 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):
Neil O. Anderson and Associates, 902 Industrial Way, Lodi, CA 95240


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).)

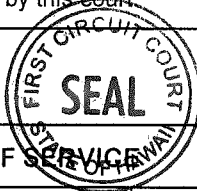
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **5/16/17**

Parastoo Parsa, Esq.
 (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.

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT		SUBPOENA NOTICE TO APPEAR <input checked="" type="checkbox"/> SUBPOENA DUCES TECUM		CASE NUMBER CIV. NO. 14-1-1916-09 VLC
PLAINTIFF DAVID COUPER, Individually and as the Personal Representative of the Estate of EDUARDO GABRIEL, and as the guardian ad litem of EDWARD GABRIEL-COUPER, a minor child		DEFENDANT HILTON HAWAIIAN VILLAGE LLC; HILTON HAWAII CORPORATION; HILTON WORLDWIDE, INC.		
ATTORNEY (NAME and ADDRESS) DENNIS O'CONNOR JR., ESQ. O'CONNOR PLAYDON GUBEN & INOUE LLP 733 Bishop Street, 24th Floor, Makai Tower Honolulu, HI 96813		COMMENTS: (ATTACH CONTINUATION PAGE IF NEEDED) Any and all records, correspondence and plans relating to the design, planning, government approval and requests for government approval of (Honolulu DPP, DLNR and/or Army Corps of Engineers), and construction or installation of the cover for the drain intake on the makai (ocean) side in the Duke Kahanamoku Lagoon at the Hilton Hawaiian Village, Waikiki, Hawaii during the November 2011 work on that cover, and any plans or specifications as that cover existed from November 2011 to November 2014.		
THE STATE OF HAWAII TO: ANY OFFICER AUTHORIZED BY LAW TO SERVE SUBPOENAS IN THE STATE OF HAWAII YOU ARE COMMANDED to subpoena the individual named below.				
NAME AND ADDRESS OF WITNESS				
Neil O. Anderson and Associates 902 Industrial Way Lodi, CA 95240				
WITNESS, YOU ARE COMMANDED TO appear at the time and place indicated to testify as a witness on behalf of the <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input checked="" type="checkbox"/> You are further ordered to bring with you the items listed in the comments section.				
DATE May 25, 2017		TIME 10:00 a.m.		
LOCATION/ROOM Neil O. Anderson and Associates, 902 Industrial Way, Lodi, CA 95240				
DISOBEDIENCE of this subpoena may be punished as contempt by this court.				
DATE ISSUED MAY - 9 2017		CLERK N. ANAYA		
RETURN OF SERVICE				
SERVICE WAS MADE AT:	DATE	TIME	PLACE	
			N. ANAYA CLERK	
Comments: <input type="checkbox"/> I served the above named person. <input type="checkbox"/> I served this subpoena on another individual. (explain)				
DATE	NAME OF SERVER	SIGNATURE	2017 MAY - 9 PM 2:35 FIRST CIRCUIT COURT STATE OF HAWAII ISSUED	

DISTRIBUTION: ORIG. AND COPY - SERVING OFFICER, PLAINTIFF, DEF., FILE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): O'Connor Playdon Guben & Inouye/Dennis E.W. O'Connor (4084) Pacific Guardian Center, Makai Tower 733 Bishop Street, 24th Flr, Honolulu, HI 96813 TELEPHONE NO.: 808-524-8350 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): David Couper	JUDGE'S 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. Weber Ave. MAILING ADDRESS: 222 E. Weber Ave. CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Central	
Court in which action is pending: First Circuit Court, State of Hawaii Name of Court: First Circuit Court, State of Hawaii STREET ADDRESS: 777 Punchbowl Street MAILING ADDRESS: 777 Punchbowl Street CITY, STATE, AND ZIP CODE: Honolulu, HI 96813 COUNTRY: United States	
PLAINTIFF/PETITIONER: David Couper DEFENDANT/RESPONDENT: Hilton Hawaiian Village LLC, et al.	CALIFORNIA CASE NUMBER (if any assigned by court): <div style="text-align: center; font-size: 1.5em; font-family: cursive;">17-02</div>
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): <div style="text-align: center; font-size: 1.2em;">14-1-1916-09 VLC</div>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Neil O. Anderson and Associates, 902 Industrial Way, Lodi, CA 95240

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

Date: 5/25/17	Time: 10:00am	Address: 902 Industrial Way, 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 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:

See Exhibit "A"

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

4. 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:

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

5. Attorneys for the parties to this action or parties without attorneys are (name, address, telephone number, and name of party represented):

James Shin, Esq., Roeca Luria Hiraoka LLP, 900 Davies Pacific Center, 841 Bishop Street,
 Honolulu, HI 96813

Continued on Attachment 5 (use form MC-025).

PLAINTIFF/PETITIONER: David Couper	CASE NUMBER:
DEFENDANT/RESPONDENT: Hilton Hawaiian Village LLC, et al.	14-1-1916-09 VLC

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:

MAY 19 2017 Donna Edwards
(TYPE OR PRINT NAME)

Donna Edwards
(SIGNATURE OF PERSON ISSUING SUBPOENA)
Legal Process Clerk II
(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this Deposition Subpoena for Personal Appearance and Production of Documents 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.

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

Date:

Date:

(SIGNATURE)

(SIGNATURE)

Please provide any and all records, correspondence and plans relating to the design, planning, government approval and requests for government approval of (Honolulu DPP, DLNR and/or Army Corps of Engineers), and construction or installation of the cover for the drain intake on the Makai (ocean) side of the Duke Kahanamoku Lagoon at the Hilton Hawaiian Village, Waikiki, Hawaii during the November 2011 work on that cover, and any plans or specifications as that cover existed from November 2011 to November 2014.

Exhibit "A"