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Attorney for Plaintiff American Buddha

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AMERICAN BUDDHA, an Oregon Nonprofit)
Corporation,)

Plaintiff,)

vs.)

THE CITY OF ASHLAND AND THE)
WASHINGTON POST COMPANY,)

Defendants.)

Case No.: 1:06-cv-3054

NOTICE OF DEPOSITION TO CITY OF
ASHLAND AND PARTY WITNESSES

TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN,
PLEASE TAKE NOTICE THAT plaintiff American Buddha will take the deposition of
the City of Ashland before a court reporter at the date and time set forth below. Pursuant
to FRCP Rule 30(b)(6), the City of Ashland is requested to designate one or more
managing agents, or other person authorized to testify as to each of the matters set forth
below. The City of Ashland is further requested to produce the following party witnesses
for deposition: Joe Franell, Rick Holbo, and Mike Franell.

All depositions will be taken in the Conference Room at PJC Law Group, 800
West Eighth Street, Medford, Oregon 97501, at the time and place indicated below, and
will be recorded on videotape.

Witness	Date	Time
City of Ashland Designee	October 24, 2006	10 a.m.
Joe Franell	October 24, 2006`	11 a.m.
Rick Holbo	October 24, 2006	1 p.m.
Mike Franell	October 24, 2006	2 p.m.

The designee for the City of Ashland is further requested to produce, pursuant to FRCP Rule 34, those documents set forth in Attachment "A" hereto in original, so that copies can be made. Production of the requested documents is an essential part of this request, and noncompliance therewith shall be deemed grounds to adjourn all deposition until full compliance is obtained, with plaintiff's costs for delay and rescheduling to be made a part of this action.

DESIGNATED MATTERS AS TO WHICH TESTIMONY IS REQUESTED

1. Whether the City of Ashland has a written policy enacted pursuant to the Digital Millennium Copyright Act ("DMCA");
2. When the City of Ashland's written DMCA Policy was adopted;
3. The nature of the relationship between Infostructure and the City of Ashland;
4. All contracts between Infostructure and the City of Ashland;
5. All emails, other correspondence, and records of telephone calls between and among the following persons or entities concerning the matters alleged in this lawsuit:
 - a. The City of Ashland
 - b. Any employees of the City of Ashland, including but not limited to:
 - i. Rick Holbo
 - ii. Joe Franell
 - iii. Mike Franell

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- c. Infostructure
 - d. Any employees of Infostructure, including but not limited to:
 - i. John Dowd
 - ii. Support Personnel
 - iii. Administrative Personnel
 - e. Kathleen Parker;
 - f. The husband of Kathleen Parker;
 - g. The Washington Post;
 - h. The Orlando Sentinel;
6. All facts that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, and the persons having knowledge of those facts;
 7. All documents that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, and the location of those documents;
 8. The reason why the City of Ashland turned off the AFN modem installed at 1131 Barrington Circle, Ashland, Oregon 97520 (the "Modem");
 9. What the City of Ashland knew about what the effect of turning off the Modem would be;
 10. Whether the City of Ashland knew that turning off the Modem would cause websites other than American-Buddha.com to be knocked off the Internet; and,
 11. Whether the City of Ashland knew that turning off the Modem would cause interference with all email service and websites being served through the Modem.

Dated: October 3, 2006

ONLINE MEDIA LAW, PLLC

By: _____
CHARLES CARREON (93469)
Attorney for Plaintiff American Buddha

ATTACHMENT "A"

The documents requested herein may be stored in electronic records, on paper, as audiotapes, or in some other tangible medium. However they are stored, plaintiff requests that they be produced in both their native format and in paper hardcopy.

1. All contracts between Infostructure and the City of Ashland
2. All emails, other correspondence, and records of telephone calls between and among the following persons or entities concerning the matters alleged in this lawsuit:
 - a. The City of Ashland
 - b. Any employees of the City of Ashland, including but not limited to:
 - i. Rick Holbo
 - ii. Joe Franell
 - iii. Mike Franell
 - c. Infostructure
 - d. Any employees of Infostructure, including but not limited to:
 - i. John Dowd
 - ii. Support Personnel
 - iii. Administrative Personnel
 - e. Kathleen Parker
 - f. The husband of Kathleen Parker
 - g. The Washington Post
 - h. The Orlando Sentinel
3. All documents that would help to identify any persons having knowledge of facts that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, including:
 - a. Telephone logs
 - b. Emails

- c. Correspondence
 - d. Support notes
 - e. Voice mail recordings
 - f. Diary entries
4. All documents that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, and the location of those documents

CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 1131 Barrington Circle, Ashland, Oregon 97520. I am over the age of 18 years, and not a party to the within action. I declare that, on the date subscribed below, I served the following document described as NOTICE OF DEPOSITION. upon the following parties and their counsel herein by the method(s) described below:

Karen O’Kasey
Hoffman, Hart & Wagner
1000 SW Broadway
20th Floor
Portland, Oregon 97205

Kevin Hardy
Williams & Connolly, LLP
725 Twelfth St., N.W.
Washington, DC 20005

- by Facsimile to the above-referenced fax numbers
- by personal delivery to the above-referenced addresses
- by placing the same in envelopes addressed to the above recipients, U. S. Mail, with first class postage fully prepaid, deposited into an official mailbox located in _____ Ashland, Oregon.
- by Federal Express for overnight delivery.

Executed at Ashland, Oregon, on October 3, 2006.

CHARLES CARREON