

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David R. Owens (State Bar No. 180.829) Owens Tarabichi LLP, 111 N. Market St., Suite 730 San Jose, CA 95113 TELEPHONE NO.: 408-298-8200 FAX NO.: 408-521-2203 E-MAIL ADDRESS: dowens@owenstarabichi.com ATTORNEY FOR (Name): Claimants (see Exhibit A)	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY, STATE, AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
Court in which action is pending: Name of Court: High Court of Justice, Queen's Bench Division STREET ADDRESS: Strand MAILING ADDRESS: CITY, STATE, AND ZIP CODE: London, WC2A 2LL COUNTRY: United Kingdom	
PLAINTIFF/PETITIONER: Oliver Gobat DEFENDANT/RESPONDENT: Persons Unknown and Automatic, Inc.	CALIFORNIA CASE NUMBER (if any assigned by court):
SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): HQ13D04242

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Automatic, Inc., 60 29th Street #343, San Francisco, CA 94110

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): David R. Owens On (date): September 5, 2013 Location (address): 111 N. Market St., #730, San Jose, CA	At (time): 10:00 am
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
See Order at Exhibit A, paragraph 1, including paragraphs 1.1 and 1.2
 Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):

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

PLAINTIFF/PETITIONER: Oliver Gobat	CASE NUMBER (of action pending outside California): HQ13D04242
DEFENDANT/RESPONDENT: Persons Unknown and Automattic, Inc.	

5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 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.

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

See Order at Exhibit A, paragraphs 3 through 5

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

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: August 22, 2013

David R. Owens

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Claimants

(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records 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. Registered professional photocopier

g. Exempt from registration under Business and Professions Code section 22451

h. 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)

SHORT TITLE: Oliver Gobat v. Person(s) Unknown	CASE NUMBER: HQ13D04242
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ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

Attorneys for Claimant:

Ashley Hurst
 Olswang LLP
 90 High Holborn
 London, UK, WC1V 6XX,
 Telephone: 44 20 7067 3486

Intended Defendants:

address information unknown

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

Page _____ of _____
 (Add pages as required)

EXHIBIT A

IN THE HIGH COURT OF JUSTICE

Claim No: Intended Action

QUEEN'S BENCH DIVISION

MR JUSTICE COLLINS

BETWEEN:

OLIVER GOBAT

Intended Claimant/Applicant

- and -

PERSON(S) UNKNOWN

(being the person(s) responsible for the posting of the article

"Pirates of the Landings St Lucia: Pirate Oliver Gobat's Receivership Wreck" on the website
<http://stluciafreepress.wordpress.com/>)

Intended Defendant(s)

- and -

AUTOMATTIC INC.

Respondent



ORDER

UPON READING the Application Notice dated 12 June 2013, the Witness Statement of Ashley Simon Hurst dated 12 June 2013 and the attachments thereto

IT IS ORDERED THAT

1. The Respondent shall provide to the Claimant's solicitors, Olswang LLP, as soon as is reasonably practicable and in any event no later than 4pm on Wednesday 19 June 2013, the following information by email to ashley.hurst@olswang.com:
 - 1.1 all registration data in its possession in relation to the blog at <http://stluciafreepress.wordpress.com> (the "Blog"), including:
 - (a) the full name registered to the Blog;
 - (b) all contact details registered to the account from which the Blog was published (the "Account"), including all names, email addresses, physical addresses and telephone numbers;
 - 1.2 the IP login history relating to the Account identifying:

- (a) the IP addresses of any computers that have accessed the Account; and
 - (b) the times and dates of all such access.
- 2. Permission is granted for the Applicant to serve this Order, application and evidence out of the jurisdiction in accordance with paragraph 3.1(3) of Civil Procedure Rule 6 PD B, CPR 6.36 and CPR 6.37(1).
- 3. Service of a Claim Form and Particulars of Claim on the Respondent is dispensed with.
- 4. The Claimant shall pay the Respondent's reasonable costs of and occasioned by the application including complying with the Order at paragraph 4 above.
- 5. The Respondent be at liberty to apply to amend this Order.

Dated

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N:

OLIVER GOBAT

Intended Claimant/Applicant

- and -

PERSON(S) UNKNOWN

**(being the person(s) responsible for the sending
emails linking to a defamatory article from the
email address slufreepress@gmail.com)**

Intended Defendant(s)

- and -

AUTOMATTIC INC

Respondent

ORDER

OLSWANG

Olswang LLP
90 High Holborn
London WC1V 6XX

Tel: 020 7067 3000

Fax: 020 7067 3999

Ref: **AEH/JCG/30253.1**

Solicitors for the Applicant

Dated 22/08/13



Claim Form

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ROYAL COURTS OF JUSTICE

ASSIGNED MASTER McCloud
ALL CORRESPONDENCE TO BE ADDRESSED TO THE COURT MANAGER

	<i>for court use only</i>
Claim No.	<u>HQ13D04242</u>
Issue date	<u>22 AUG 2013</u>

CLAIMANTS COPY

Claimant(s) name(s) and address(es) including postcode

Oliver Gobat
The Landings
Pigeon Island Causeway
Gros Inlet
St Lucia



Defendant(s) name and address(es) including postcode

Person(s) Unknown
(being the person(s) responsible for (1) posting the defamatory articles "Pirates of the Landings St Lucia: Pirate Oliver Gobat's Receivership Wreck" and "Pirates at The Landings St Lucia: Conflicts of Sales, Marketing and Management Interest" on the website <http://stluciafreepress.wordpress.com/>; and (2) sending anonymous emails from the email address slufreepress@gmail.com)

Brief details of claim

The Claimant's claim is for:

1. an injunction restraining the Defendant(s) whether by themselves, their servants or agents or otherwise howsoever from further publishing or causing to be published the same or similar allegations defamatory of the Claimant as those published:
 - (a) in a number of articles on the website '<http://stluciafreepress.wordpress.com/>'; and
 - (b) in a number of anonymous emails sent from the email address 'slufreepress@gmail.com';
2. further or other relief; and
3. costs.

Value

Unlimited. The Claimant cannot say how much he expects to recover.

You must indicate your preferred court for hearings here (see notes for guidance)

This libel claim must be issued in the High Court by virtue of s.15(2)(c) of the County Courts Act 1984 and CPR PD 7A paragraph 2.9(1).

Defendant's name and address for service including postcode
Person(s) Unknown

	£
Amount claimed	<u>N/A</u>
Court fee	<u>£465</u>
Solicitor's costs	<u>TBC</u>
Total amount	<u>TBC</u>

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998? Yes No

Particulars of Claim (~~attached~~)(to follow)

Statement of Truth

~~XXXXXX~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name Ashley Hurst

Name of claimant's solicitor's firm OLSWANG LLP

signed  ~~XXXXXX~~ (Claimant's solicitor)

position or office held Partner
(if signing on behalf of firm or company)

**delete as appropriate*

OLSWANG LLP
90 High Holborn
London
WC1V 6XX

37972 Kingsway
020 7067 3999

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.