THE PEOPLE OF THE STATE OF NEW YORK

To: Peter Lance
140 Butterfly Lane
Montecito, California 93108-2444

GREETINGS:

YOU ARE HEREBY COMMANDED, that all business and excuses being laid aside, to appear before the Supreme Court of the State of New York, of the County of Kings, 320 Jay Street, in the Borough of Brooklyn, of the City of New York on August 8, 2007, at 9:30 a.m., or a subsequent adjournment date thereafter, as a witness in the criminal action prosecuted by the people of the State of New York against R. Lindley DeVecchio,

AND YOU ARE FURTHER COMMANDED to bring with you and produce at the time and place aforesaid, the books and papers listed on <u>Attachment A</u>, which is annexed hereto.

IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of two hundred and fifty

dollars and imprisonment for thirty days and to be prosecuted and punished for a misdemeanor.

Dated: New York, New York June 12, 2007

THOMPSON HINE LLP
Attorneys for Defendant
R. Lindley DeVecchio

By: Mark A. Bederow, Esq. 335 Madison Avenue, Floor 12 New York, New York 10017

(212) 344-5680

ATTACHMENT A

(to the Subpoena Duces Tecum issued to Mr. Peter Lance in connection with the criminal proceeding of *People of the State of New York v. R. Lindley DeVecchio*; Indictment No. 6825/2005, in the Supreme Court of the State of New York, County of Kings, Criminal Term Part 27.)

Definitions

- a. "Document" includes, without limitation, all written, typed or recorded material or thing of any nature whatsoever, including but not limited to electronic, electromagnetic or digital recordings, or computerized data compilations, such as emails, facsimile correspondence, notes, memoranda, and summary reports, in the possession, custody or control of Peter Lance or Peter Lance's present or former attorneys, agents, representatives, employees and other persons acting or purporting to act on his behalf. "Document" also includes any document affixed to or attached to any document otherwise responsive to this request, all drafts, and all non-identical copies regardless of origin or location.
- b. The term "communication" includes, without limitation, the transmittal of thoughts or ideas in oral, written, electronic, or any other form.
- c. "Including" means "including without limitation."
- d. The term "person" includes, without limitation, natural persons, corporations, public corporations, governments, governmental agencies, boards, commissions, regulatory authorities, committees, partnerships, joint ventures, groups, firms, associations, or other organizations.
- e. "You" or "Your" means Peter Lance and any other person acting or purporting to act under the authority or on behalf of Peter Lance.

- f. A document, communication or correspondence "relating to" a given subject matter means that it concerns, constitutes, contains, embodies, comprises, reflects, identifies, states, refers to, deals with, comments on, responds to, describes or analyzes that subject, including documents, communications or correspondence concerning the contents of other documents, communications or correspondence.
- g. The connective "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of these requests all responses that might otherwise be construed to be outside of its scope.

Documents to be Produced

- (1) ANY AND ALL correspondence and documents, including, but not limited to, meeting notes, email messages, facsimile transmissions and other materials or communications addressed to, regarding or relating to individuals associated with or employees of the Kings County District Attorney's Office (also known as the Brooklyn District Attorney's Office), in Brooklyn, New York, including but not limited to attorneys and investigators, from January 1, 2000, to the present; and
- (2) ANY AND ALL recordings and materials, including but not limited to electronic, electromagnetic or digital recordings, computerized data compilations, or notes in the possession, custody or control of Peter Lance, relating to a press conference held by the Kings County District Attorney's Office (also known as the Brooklyn District Attorney's Office), in Brooklyn, New York, on March 30, 2006.
- (3) ANY AND ALL recordings and materials, including but not limited to electronic, electromagnetic or digital recordings, computerized data compilations, or transcripts in the possession, custody or control of Peter Lance, relating to a Book TV C-Span 2 recording of Peter Lance at a Borders bookstore in Los Angeles, California, on February 13, 2007.