

**Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

Council on American-Islamic Relations

SUBPOENA IN A CIVIL CASE

V.

Paul David Gaubatz, et al.

Case Number:¹ 1:09-cv-2030-CKK

TO: Center for Security Policy, Inc.
Registered Agent: Frank J. Gaffney, Jr.
1901 Pennsylvania Avenue, NW Suite 201
Washington, DC 20006

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Luque Geragos Marino LLP 910 17th Street, NW Suite 800, Washington, DC 20006	DATE AND TIME 4/1/2010 9:00 am
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

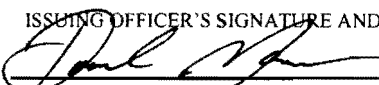
See Attachment A hereto.

PLACE Luque Geragos Marino LLP 910 17th Street, NW Suite 800, Washington, DC 20006	DATE AND TIME 3/19/2010 9:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  counsel for Plaintiff	DATE 2/16/2010
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Daniel Marino
Luque Geragos Marino LLP, 910 17th Street, NW Suite 800, Washington, DC 20006 (202) 841-5484

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE _____ SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

- (B) If a subpoena
 - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

ATTACHMENT A

For all the specific requests for the production of **DOCUMENTS** made herein, the following definitions apply:

DEFINITIONS

“YOU” or **“YOUR”** shall mean the Center for Security Policy, Inc. (“CSP”) and any of its subsidiaries, divisions, departments, officers, directors, employees, attorneys, agents, advisors, consultants, or any other persons acting on behalf or under the control or direction of CSP.

“DOCUMENT” or **“DOCUMENTS”** shall mean and refer to anything discoverable under Federal Rule of Civil Procedure 34(a)(1)(A), and without limitation, all recordings, electronic messages, electronically stored information (**ESI**) and/or any other tangible media from which information can be obtained. This definition further includes drafts of all **DOCUMENTS** regardless of whether they were executed or not. All non-identical copies bearing notations and marks not found on the original shall be considered a separate document for purposes of the requests set forth herein.

“ESI” shall mean electronic mail, word processed documents, including drafts and revisions, spreadsheets, databases, graphs, charts, presentation data or slide shows produced by presentation software, images, audio, video and voicemail files, data created by calendaring, task management and personal information management software such as Outlook, data created by personal data assistants and data created with the use of document management software, and/or paper and electronic mail logging and routing software.

“COMMUNICATIONS” as used herein shall refer to any discussions, correspondence, electronic mail, or communications of any kind, formal or informal, written or oral, as well as recordings of any kind of those communications.

“**PLAINTIFFS**” means the Council on American Islamic Relations Action Network, Inc. and CAIR-Foundation, Inc.

“**PAUL DAVID GAUBATZ**” means Defendant Paul David Gaubatz, also known as Dave Gaubatz, and any of his employees, agents, attorneys, representatives, advisors, consultants, or any other persons acting on behalf or under the control or direction of Defendant Paul David Gaubatz.

“**CHRISTOPHER GAUBATZ**” means Defendant Christopher Gaubatz, also known as Chris Gaubatz and David Marshall, and any of his employees, agents, attorneys, representatives, advisors, consultants, or any other persons acting on behalf or under the control or direction of Defendant Christopher Gaubatz.

“**RELATING TO**” means constituting, containing, or in any way directly or indirectly, concerning, evidencing, describing, reflecting, acknowledging or referring to.

INSTRUCTIONS

For all of the specific requests for production of **DOCUMENTS** made herein, the following instructions apply:

A. In producing **DOCUMENTS** requested below, **YOU** must furnish all **DOCUMENTS** known or available to **YOU** regardless of whether such **DOCUMENTS** are possessed by **YOU** or **YOUR** agents, representatives, investigators, or by others who possess documents to which **YOU** have either reasonable access or a legal right of access. **YOU** are required to make a diligent search of **YOUR** records and of any other **DOCUMENTS**, papers, and materials in **YOUR** possession or available to **YOU**. If, after **YOU** have conducted such a search, **YOU** are aware of the existence of any **DOCUMENT** requested below but are unable to

produce it, specify the identity of the **DOCUMENT** and the reasons for **YOUR** inability to produce the **DOCUMENT**.

B. This subpoena requires production of a true, legible and durable copy of the records requested in this subpoena.

C. If **YOU** contend that any **DOCUMENT** otherwise called for by this subpoena is excludable from production in discovery regardless of its responsiveness:

(1) State the reason(s) for such objection or ground for exclusion;

(2) State the name, address, and telephone number of each person having knowledge of the factual basis, if any, on which the privilege or other ground is asserted; and

(3) Identify the **DOCUMENTS** by providing the following information: (i) the title of the **DOCUMENTS**; (ii) the name, address, and telephone number of each person who participated in the preparation of the **DOCUMENT**; (iii) the name, address, and telephone number of any and all intended or actual recipients of the **DOCUMENT**; and (iv) its general subject matter.

D. To the extent that **YOU** consider any of the following requests objectionable for reasons other than a claim of privilege, please respond to so much of the request as to which such objection is not made, and separately with respect to the remainder, state **YOUR** objection as part of **YOUR** response, setting forth each and every ground for that objection and listing the factual basis, if any, for that objection.

E. If any **DOCUMENT** called for by this subpoena was at one time within **YOUR** possession, custody or control, but is no longer within **YOUR** possession, custody or control, then as to each such **DOCUMENT**:

(1) Identify each **DOCUMENT** by stating the type of **DOCUMENT**, its date, author, recipients, recipients of copies and subject matter;

(2) State the last time, place and date that the **DOCUMENT** was seen as well as the identity of the person in possession of the **DOCUMENT**; and

(3) State why the **DOCUMENT** left **YOUR** possession and any knowledge or information regarding the current location of the **DOCUMENT** or any copies of the **DOCUMENT**.

F. In the event **YOU** are unable to respond to any request for production, or part thereof, because of a perceived ambiguity or uncertainty therein, we request that you contact the **PLAINTIFFS'** counsel identified in the subpoena immediately, but in any event prior to the date of which **YOUR** response is required, to clarify that ambiguity or uncertainty, as the **PLAINTIFFS'** counsel agrees to make any necessary clarification.

SPECIFIC REQUESTS FOR DOCUMENTS

No. 1:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any **COMMUNICATIONS** between **YOU** and **PAUL DAVID GAUBATZ** or any group or entity with which he is or has been associated or affiliated since January 1, 2005, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE").

No. 2:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any **COMMUNICATIONS** between **YOU** and **CHRISTOPHER GAUBATZ** or any group or entity with which he is or has been associated or affiliated since January 1, 2005.

No. 3:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control that you have received from **PAUL DAVID GAUBATZ, CHRISTOPHER GAUBATZ**, or any group or entity with which they are or have been associated or affiliated since January 1, 2005, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE").

No. 4:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any money, funds, or other thing of value that **YOU** have furnished, provided, or delivered to or caused to be furnished, provided, or delivered to **PAUL DAVID GAUBATZ** or any group or entity with which he is or has been associated or affiliated since January 1, 2000, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE").

No. 5:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any money or other thing of value that **YOU** have furnished, provided, or delivered or caused to be furnished, provided, or delivered to **CHRISTOPHER GAUBATZ** or any group or entity with which he is or has been associated or affiliated since January 1, 2000.

No. 6:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any **COMMUNICATIONS** between **YOU** and WorldNetDaily.com Inc. or any of its subsidiaries, divisions, departments, officers, directors, employees, attorneys, agents, advisors, consultants, or any other persons acting on behalf or under its control or direction **RELATING TO** the book *Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America* or the writing or development thereof, **PAUL DAVID GAUBATZ**, **CHRISTOPHER GAUBATZ**, or **PLAINTIFFS** since January 1, 2005.

No. 7:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any **COMMUNICATIONS** between **YOU** and WND Books, Inc. or any of its subsidiaries, divisions, departments, officers, directors, employees, attorneys, agents, advisors, consultants, or any other persons acting on behalf or under its control or direction **RELATING TO** the book *Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America* or the writing or development thereof, **PAUL DAVID GAUBATZ**, **CHRISTOPHER GAUBATZ**, or **PLAINTIFFS** since January 1, 2005.

No. 8:

Produce any and all **DOCUMENTS** in **YOUR** possession, custody, or control **RELATING TO** any **COMMUNICATIONS** between **YOU** and Joseph Farah **RELATING TO** the book *Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America* or the writing or development thereof, **PAUL DAVID GAUBATZ, CHRISTOPHER GAUBATZ, or PLAINTIFFS** since January 1, 2005.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COUNCIL ON AMERICAN-ISLAMIC RELATIONS,)	
)	
)	
Plaintiff,)	
)	Civil Action No. 09-2030 (CKK)
v.)	
)	Judge Colleen Kollar-Kotelly
PAUL DAVID GAUBATZ; CHRIS GAUBATZ, a.k.a. "David Marshall"; and JOHN AND JANE DOE NOS. 1-10,)	
)	
Defendants.)	

NOTICE OF DEPOSITION OF CENTER FOR SECURITY POLICY, INC.

TO:

Bernard S. Grimm
COZEN O'CONNOR
1627 I Street, NW
Suite 1100
Washington, DC 20006
Tel. 202.912.4835

Daniel Horowitz
P.O Box 1547
Lafayette, CA 94549
horowitz@whitecollar.us

Martin Garbus
EATON & VAN WINKLE LLP
3 Park Avenue, 16th Floor
New York, NY 10016
Tel. 212.779.9910
mgarbus@evw.com

Center for Security Policy, Inc.
1901 Pennsylvania Avenue, NW Suite 201
Washington, DC 20006

PLEASE TAKE NOTICE that Plaintiff will take the deposition upon oral examination of **CENTER FOR SECURITY POLICY, INC.**, 1901 Pennsylvania Avenue, NW, Washington, DC 20006, in connection with the matters described on Exhibit A attached hereto.

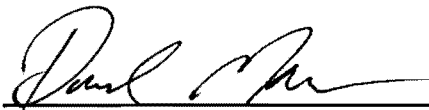
Pursuant to Fed. R. Civ. P. 30(b)(6), the deponent, Center for Security Policy, Inc., is requested to designate one or more persons who consent to testify on its behalf in connection with the matters set forth on Exhibit A.

The deposition will take place on April 1, 2010 at 9:00 AM before a person authorized by law to administer oaths at the offices of Luque Geragos Marino LLP, located at 910 17th Street, NW, Suite 800, Washington, DC 20006. This deposition will be used for discovery and/or trial.

The deposition will continue from day to day until completed. The deposition will be recorded by stenographic means as well as by videotape. You are invited to attend and cross-examine the witness.

Respectfully submitted,

Dated: February 16, 2010



Daniel Marino (DC Bar No. 416711)
Tillman Finley (DC Bar No. 477737)

LUQUE GERAGOS MARINO LLP
910 17th Street N.W., Suite 800
Washington, D.C. 20006
Tel: 202.223.8888

*Attorneys for Council on American-Islamic
Relations Action Network, Inc. and CAIR-
Foundation, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2010, I caused to be served a copy of **NOTICE OF DEPOSITION OF CENTER FOR SECURITY POLICY, INC.** and all attachments thereto to be served by email upon the following counsel of record for Defendants:

Daniel Horowitz
P.O Box 1547
Lafayette, CA 94549
horowitz@whitecollar.us

Bernard S. Grimm
COZEN O'CONNOR
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DANIEL MARINO

EXHIBIT A

RULE 30(b)(6) MATTERS FOR EXAMINATION

1. Plaintiff requests that Center for Security Policy, Inc. (CSP) designate a Rule 30(b)(6) representative to testify concerning CSP's communications, work, and other dealings with Paul David Gaubatz, Christopher Gaubatz, and any entity with which they are or have been associated or affiliated, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE") since January 1, 2005.

2. Plaintiff requests that Center for Security Policy, Inc. (CSP) designate a Rule 30(b)(6) representative to testify concerning any money or funding CSP has furnished, provided, or delivered to or caused to be furnished, provided, or delivered to Paul David Gaubatz, Christopher Gaubatz, and any entity with which they are or have been associated or affiliated, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE") since January 1, 2005.

3. Plaintiff requests that Center for Security Policy, Inc. (CSP) designate a Rule 30(b)(6) representative to testify concerning any documents or recordings that CSP received from Paul David Gaubatz, Christopher Gaubatz, or any entity with which they are or have been associated or affiliated, including but not limited to DG Counter-terrorism Publishing USA, Anti-CAIR, and the Society of Americans for National Existence (or "SANE"), and which belong or relate in any way to the Council on American-Islamic Relations Action Network, Inc. or CAIR-Foundation, Inc., including how and when any such documents or recordings were received, what if anything CSP has done with or to them, and to whom if anyone CSP disclosed or transferred such documents or recordings.

4. Plaintiff requests that Center for Security Policy, Inc. (CSP) designate a Rule 30(b)(6) representative to testify concerning CSP's communications, work, and other dealings with WorldNetDaily.com Inc., WND Books, Inc., or Joseph Farah relating to the book *Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America* or the writing or development thereof.