

County of Santa Clara

Office of the Sheriff

55 West Younger Avenue
San Jose, California 95110-1721
(408) 808-4900



Laurie Smith
Sheriff

FAX TRANSMISSION COVER SHEET

DATE: June 18, 2004

TIME: 7:18 AM

TOTAL NO. OF PAGES 6
(including cover page)

TO: NAME: Steve Kirsch

AGENCY: _____

PHONE NO: (650) 279-1008 FAX NO. (408)716-2493

COMMENTS: Re: SBC Trace Report.

FROM: NAME: Detective Viet Bui

SANTA CLARA COUNTY SHERIFFS OFFICE
INVESTIGATIVE SERVICES DIVISION
55 W. YOUNGER AVENUE
SAN JOSE, CALIFORNIA 95110-1721
PHONE#: (408) 808-4500
FAX#: (408) 808-4545

WARNING !

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

SC-107

Name and Address of Court: Superior Court - Palo Alto Courthouse
270 Grant Avenue, Palo Alto, CA 94306
650-462-3800 x3820

SMALL CLAIMS CASE NO. 2-04-SC-001035

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):
Kirsch, Steven T.
13930 La Paloma Rd
Los Altos Hills, CA 94022-2628

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):
Global Communications Consulting Corporation
c/o Keith E. Johnson, Goodin, MacBride LLP
505 Sansome, Suite 900
San Francisco, California 94111

Telephone No.: 650-279-1008
FAX 408-716-2493

Telephone No.: (415) 392-7900

Telephone No.:
 See attached sheet for additional plaintiffs and defendants.

Telephone No.:

**SMALL CLAIMS SUBPOENA
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS
AND THINGS AT TRIAL OR HEARING AND DECLARATION**

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
Sheriff Santa Clara County, c/o Detective Bui,
55 West Younger Ave., San Jose CA 95110-1722. Fax: 408-808-4545. Phone: 408-808-4522

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this case at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 4b below or you make an agreement with the person named in item 2 below.

a. Date: June 21, 2004 Time: 1pm Dept.: 86 Div.: Room:
b. Address: 270 Grant Avenue, Palo Alto, CA 94306

2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party: Steven T. Kirsch b. Telephone number: 650-279-1008 FAX 408-716-2493
3. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

PRODUCTION OF DOCUMENTS AND THINGS

(Complete item 4 only if you want the witness to produce documents and things at the trial or hearing.)

4. YOU ARE (item a or b must be checked):
a. Ordered to appear in person and to produce the records described in the declaration on page two. 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.
b. Not required to appear in person if you produce (i) the records described in the declaration on page two and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE 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.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.



Date issued: JUN 17 2004

Clerk, by Deputy

(See reverse for declaration in support of subpoena)

Page one of three

| | |
|--|--------------------------------|
| PLAINTIFF/PETITIONER: Kirsch, Steven T. | CASE NUMBER: 2-04-SC-001035 |
| DEFENDANT/RESPONDENT: Global Communications Consulting Corporation | |

**DECLARATION IN SUPPORT OF
SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENT AND THINGS AT TRIAL OR HEARING
(Code Civil Procedure sections 1986, 1987.5)**

1. I, the undersigned, declare I am the plaintiff defendant judgment creditor
 other (specify): In the above entitled action.
2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified on the *Small Claims Subpoena* on the first page of this form.
- a. For trial or hearing (specify the exact documents or other things to be produced by the witness):
Any and all documents pertaining to telephone trace results for 650-941-1260, 650-941-0248, 650-941-3101, or 650-941-1752 or associated with case number 04-163-0116L from SBC or any other phone company. These documents are to be immediately released directly to the subpoenaing party so that additional investigations can be made before the trial date.
 Continued on Attachment 2a.
- b. After trial to enforce a judgment (specify the exact documents or other things to be produced by the party who is the judgment debtor or other witness possessing records relating to the judgment debtor):
- (1) Payroll receipts, stubs, and other records concerning employment of the party. Receipts, invoices, documents, and other papers or records concerning any and all accounts receivable of the party.
 - (2) Bank account statements, canceled checks, and check registers from any and all bank accounts in which the party has an interest.
 - (3) Savings account passbooks and statements, savings and loan account passbooks and statements, and credit union share account passbooks and statements of the party.
 - (4) Stock certificates, bonds, money market certificates, and any other records, documents, or papers concerning all investments of the party.
 - (5) California registration certificates and ownership certificates for all vehicles registered to the party.
 - (6) Deeds to any and all real property owned or being purchased by the party.
 - (7) Other (specify):
3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:
The FCC interpretations of the TCPA (citations, orders, rulings, and clarification statements) make it very clear that Defendant is liable for TCPA violations if "it demonstrates a high degree of involvement in, or actual notice of, the unlawful activity and fails to take steps to prevent such facsimile transmissions." These documents will show the court that Defendant sent faxes to Plaintiff.
 Continued on Attachment 3.
4. These documents are material to the issues involved in this case for the following reasons:
Plaintiff's burden is to show that GCC sent Plaintiff a fax and that GCC either (a) knew and failed to stop the transmissions, OR (b) GCC had a high degree of involvement. These documents are relevant to the first condition.
 Continued on Attachment 4.

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

Date: June 16, 2004

..... Steven T. Kirsch
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY)

(See proof of service on page three)



SBC ANNOYANCE CALL BUREAU
2600 Camino Ramon
San Ramon, California 94583-5000
Ph: 1-800-698-7223 Fax: 9252759015

NUMBER OF PAGES : 2
(EXCLUDING COVER)

TO: LEILA SUTHERLAND
SANTA CLARA CSD
4088084545

FROM: Customer Service Associate

SENT ON: Jun 16, 2004 14:50:26

CUSTOMER#: 6509411260

CASE # : 041630116

PLEASE CALL 1-800-698-7223 IF FAX TRANSMISSION IS INCOMPLETE



SBC ANNOYANCE CALL BUREAU
2600 Camino Ramon

San Ramon, California 94583-5000

Jun 16, 2004

SANTA CLARA CSD

,

Ref: SBC File#: 6509411260
Offense # : 041630116

Attn: LEILA SUTHERLAND

In reference to your investigation of the above referenced offense report, we are providing a copy of the case maintained by our office. The log reflects calls reported by our customer as harassing and/or threatening and the call trace results.

Service Address:

STEVEN T KIRSCH
13930//LA PALOMA RD/LAH

Billing Address:

STEVEN T KIRSCH
13930 LA PALOMA RD
LOS ALTOS HILLS CA
94022

It should be noted that only the originating telephone number was identified and not the person or persons placing these calls.

If you need additional assistance please contact the SBC ANNOYANCE CALL BUREAU in San Ramon, California at 1-800-698-7223.

Thank you,

Customer Service Associate

Enclosures



C. T. C.

06/16/04

CALL TRACE REPORT

Page : 1

Suspect # : 0000000000

Billing Address :

UNK CALL CARRIED BY GLOBAL CROSSING
GLOBAL CROSSING: 800-783-7380
PLEASE CONTACT GLOBAL DIRECTLY
CALLING NUMBER=CLLI SNJSCAMCSMD

Service Address :

UNK CALL CARRIED BY GLOBAL CROSSING
GLOBAL CROSSING: 800-783-7380
PLEASE CONTACT GLOBAL DIRECTLY
CALLING NUMBER=CLLI SNJSCAMCSMD

| Victim Num | Calling Num | Date | Time | Date/Time Reported |
|------------|-------------|------------|----------|--------------------|
| 6509411260 | 0000000000 | 2004-06-14 | 07:56:00 | 2004-06-14 07:56 |
| 6509411260 | 0000000000 | 2004-06-14 | 13:08:24 | 2004-06-14 13:08 |
| 6509411260 | 0000000000 | 2004-06-15 | 11:31:15 | 2004-06-15 11:30 |
| 6509411260 | 0000000000 | 2004-06-15 | 19:21:34 | 2004-06-15 19:22 |

*** E N D - O F - R E P O R T ***