Office of the Attorney General
Leonardo M. Rapadas
Attorney General of Guam
Civil Division
287 West O'Brien Drive
Hagåtña, Guam 96910 ● USA
(671) 475-3324 ● (671) 472-2493 (Fax)
www.guamattorneygeneral.com

Attorneys for the General Services Agency

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

IN THE APPEAL OF)	DOCKET NO. OPA-PA-12-007
)	
DATA MANAGEMENT RESOURCES, LLC.)	
)	**SUBPOENA DUCES TECUM**
Appellant.)	
)	

THE PEOPLE OF GUAM:

TO: **RICHARD S. TAITANO**
Data Management Resources, LLC
284 W. Chalan Santo Papa
Hagatna, Guam 96910

YOU ARE HEREBY COMMANDED to appear in the hearing room of the Office of Public

Accountability, on the 9th Floor of the DNA/Pacific Daily News Bldg., Hagatna, Guam 96910

on October 22, 2012 at **9:00 a.m.** and to bring with you copies of your cell phone(s) record

[handwritten: November 26, 2012.]

between October 2010 and September 2012.

Dated: 10/18/12   .

By: *[signature]*

PHILLIP TORRES, ESQ.
Hearing Officer

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In the Appeal of Data Management Resources, LLC.
Docket No. OPA-PA-12-007
October 18, 2012

ORIGINAL

I served this Subpoena Duces Tecum by delivering a copy thereof to the following person personally:

Name of Person Served	Address Where Served	Date and Time of Service
Richard S. Taitano	287 Taitano Rd. Tamuning, Guam	11/6/12 @ 300pm

I declare under penalty that the foregoing is true and correct.

Dated: 11/6/12

OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, ATTORNEY GENERAL

By: _[signature]_

Pursuant to the Guam Rules of Civil Procedure, Rule 45(a)(1)(D), you are advised of the following:

Protection of Persons Subject to Subpoena.

(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 and copying of designated 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 and copying 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 inspection or copying of any or all the of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitle to inspect and copy 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(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; or

(ii) requires disclosure or privileged or other protected matter and no exception or waiver applies; or

(iii) 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, 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.

Duties in Responding to Subpoena.

(1) 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.

(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 by any person without adequate excuse to obey a subpoena served upon that person may be deemed in contempt of the court from which the subpoena issued.