Pillsbury
Winthrop
Shaw
Pittman LLP

2300 N Street NW
Washington, DC 20037-1122

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

RECEIVED
D.C. ZONING
2006 OCT 13 PM 12: 55

October 10, 2006

Matthew J. MacLean
Phone: 202.663.8183
matthew.maclean@pillsburylaw.com

Mr. Geoffrey Griffis
Board of Zoning Adjustment
441 4th Street, NW, Suite 210 South
Washington, DC 20001

Re: Father Flanagan's Boys Home v. District of Columbia - trial subpoena

Dear Mr. Griffis:

Enclosed is a copy of a trial subpoena to you in the case referenced above. You are required by this subpoena to appear to testify at the trial of this case, commencing at 9:30 a.m. on Thursday, October 26, 2006, and continuing from day to day until completed. The trial will be held at the United States District Court for the District of Columbia, 333 Constitution Ave., NW, Washington, DC 20001, in Judge Robertson's courtroom. Please do not enter the courtroom while court is in session, but find me, Paul Mirabile, or Deborah Baum and let us know when you arrive.

The trial may last for several days, or even two to three weeks, and it is not always possible to know in advance when your testimony will be required during that time. We would like to make your appearance as convenient for you as possible. Therefore, if you will contact my assistant, Linda Moses, at 202-663-9055 and leave a telephone number where you can be contacted during the trial, then we will call you the day before we believe your testimony may be required, and we will tell you what time to arrive or ask you to be ready to appear on two hours' notice. Please call by Monday, October 23, 2006. Otherwise, if you do not call my assistant and leave your contact information, you are required to appear at the time and place stated on the subpoena.

Sincerely,

Matthew J. MacLean

Enclosure

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17224
EXHIBIT NO. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17224
EXHIBIT NO. 37

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

FATHER FLANAGAN'S BOYS HOME

V.

THE DISTRICT OF COLUMBIA, et al.

SUBPOENA IN A CIVIL CASE

Case Number:[1] 01-1732 (JR)

TO: Geoffrey Griffis
Board of Zoning Adjustment
441 4th Street, NW, Suite 210 South
Washington, DC 20001

☑ 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
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 333 Constitution Ave., NW Washington, DC 20001	23A
	DATE AND TIME 10/26/2006 9:30 am

☐ 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	DATE AND TIME

☐ 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):

PLACE	DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

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)	DATE
Counsel for Plaintiff	10/10/2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Matthew J. MacLean, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW, Washington, DC 20037
202.663.8183

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D 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, Parts C & D:

(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 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 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 of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy 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 comply 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.

(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, or

(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 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) 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.