

# **EXHIBIT 1**

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

Joel Q. Hack and Wren Beaulieu-Hack
Plaintiff
v.
The Charter Township of Milford, et al.
Defendant
Civil Action No. 2:18-cv-13330

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Michael Darga, 105 West Grand River, Howell, MI 48843, c/o counsel, Kevin Gleeson, Esq.
(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (Sullivan Ward Asher & Patton PC, 25800 Northwestern Hwy, Ste 1000, Southfield, MI 48075) and Date and Time (December 18, 2018 @ 9:00 a.m.)

The deposition will be recorded by this method: audio, audiovisual, or stenographic

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Exhibit A attached hereto.

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/04/2018

DAVID J. WEAVER, CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Handwritten signature of M. Galt (P78374)
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs, who issues or requests this subpoena, are:

R.J. Cronkhite (P78374), Maddin, Hauser, Roth & Heller, P.C, 28400 Northwestern Hwy., Second Floor, Southfield, MI 48034 (248) 351-7017 rcronkhite@maddinhauser.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**EXHIBIT A TO SUBPOENA**

1. Your working file regarding 2610 Pearson Road, Milford Township, Michigan 48380, including plans, schematics, correspondence, permit applications, studies, calculations, satellite images, and the impact of construction or development of that property.
2. All documents and correspondence relating to grade and fill activities, or any other activities requiring a permit, in connection with 2610 Pearson Road, Milford Township, Michigan 48380.
3. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes, between you and Roland Alix or other HRC personnel, regarding 2610 Pearson Road, Milford Township, Michigan 48380 or any adjoining property.
4. All photographs in your possession regarding 2610 Pearson Road, Milford Township, Michigan 48380 or any adjoining property.
5. All documents supporting the following:
  - a. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 "forced water onto [adjoining] property," including property owned by David or Valerie Mamo.
  - b. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the home thereon to be raised or elevated.
  - c. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the septic system thereon to be raised or elevated.
  - d. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the material on the east side of 2610 Pearson Road, Milford Township, Michigan 48380 to be "pushed up at the property line."
6. All documents pertaining to any flooding or water on 2610 Pearson Road, Milford Township, Michigan 48380 or any adjoining property.
7. All documents pertaining to any damage to property adjoining 2610 Pearson Road, Milford Township, Michigan 48380.
8. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and David or Valerie Mamo regarding 2610 Pearson Road, Milford Township, Michigan 48380, communications with Milford Township or its agents, flooding of any kind, or property damage of any kind.

9. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and any engineer regarding 2610 Pearson Road, Milford Township, Michigan 48380, communications with Milford Township or its agents, flooding of any kind, or property damage of any kind.
10. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and Brent LaVanway.
11. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and William (Bill) Rogers.
12. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and Timothy Brandt.
13. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and Donald Green.
14. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and William (Bill) Mazzara.
15. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and any member of the Board of Milford Township.
16. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and any agent of Milford Township.
17. All correspondence, including, without limitation, emails, text messages, letters, and faxes between you and Jennifer Elowsky.
18. All communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between you and James Tamm.

#### DEFINITIONS

- A. **Document.** The term “document” means all writings and other printed matter of every kind, including, but not limited to: medical files, medical charts, books, records, statements, minutes, letters, memoranda, reports, lists, studies, agreements, printouts, telegrams, pamphlets, notes, diary and calendar entries, maps, charts, tabulations, press releases, test reports, papers, information stored on computer hard drive, disk, or CD, records of meetings, conferences, and telephone or other conversations or communications in the possession, custody or control of you or any of your agents. **The term “documents” also includes non-printed material** such as voice recordings, reproductions, film impressions, photographs, negatives, slides, microfilm, microfiche, and other things that document or record ideas, words or impressions, as well **as electronically stored information (ESI)**, including CDs, computer data, metadata, and

data stored on laptops, cellular devices, desktops, or other computer and electronic devices. The term "document" further includes all punch cards, tapes, disks, and recordings used from electronic, computer, or other written materials necessary to use punch cards, tapes, disks, or other recordings, and further includes data in electronic or other form that can be printed out or reduced to readable or usable form from proper programming or decoding of the electronic or computer bank or disk information. The term "document" also includes all copies of each document if the copies contain any additional writing or are not identical to the original.

- B. **Communication.** The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) by any form of transmission (written or oral, paper or electronic), including letters, memoranda, reports, notices, e-mails and text messages.

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Civil Action No.

ACKNOWLEDGMENT ~~PROOF~~ OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any) Michael Darga  
on (date) 12/4/18

I received the subpoena on behalf of Michael Darga by delivering a copy to the named individual as follows: by electronic mail

on (date) 12/4/18 ; or

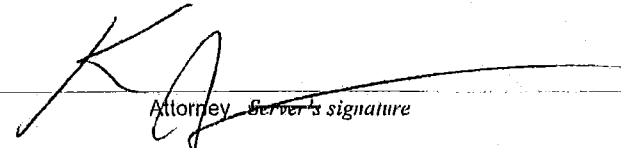
I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ N/A

My fees are \$ N/A for travel and \$ N/A for services, for a total of \$ N/A

I declare under penalty of perjury that this information is true.

Date: 12/4/18

  
Attorney ~~Server's~~ signature  
Kevin J. Gleeson  
Printed name and title

25800 Northwestern Highway, #1000, Southfield, MI 48075  
Attorney ~~Server's~~ address

Additional information regarding attempted service, etc.: