

SERVE

James Schmidt, et al

22nd Judicial District Court

VS 2021-15459 Division E

Parish of St. Tammany

Roubion Construction Company
LLC

State of Louisiana

DEPOSITION SUBPOENA & SUBPOENA DUCES TECUM

TO: DAMMON ENGINEERING, INC.
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS
DAVID PAUL DAMMON
544 OLD SPANISH TRAIL
SLIDELL, LA 70458

RECEIVED
STPSO - CIVIL
JAN 23 7 12: 39
WILEY SMITH
CLERK

You are commanded by the 22nd Judicial District Court for the Parish of St. Tammany, Louisiana, to appear at: OFFICES OF SCHONEKAS, EVANS, MCGOEY AND MCEACHIN, LLC, 909 POYDRAS ST, STE 1600, NEW ORLEANS, LA 70112

on the 9TH DAY OF FEBRUARY, 2023 AT 10:00 A.M. FOR PRODUCTION OF DOCUMENTS DESCRIBED IN EXHIBIT "A" FURTHER, ON 14TH DAY OF FEBRUARY, 2023 AT 10:00 A.M. ROUBION CONSTRUCTION CO., THROUGH UNDERSIGNED COUNSEL, WILL TAKE THE DEPOSITION UPON ORAL EXAMINATION OF DAMMON ENGINEERING, INC.

and from day to day until discharged by the Court, to testify **BY DEPOSITION** to the truth according to your knowledge, in a controversy herein. **AND FURTHER**, at the same time and place, to produce before said Court, the following documents, papers and/or records:

AS PER ATTACHED INSTRUCTIONS FOR PRODUCTION, CERTIFIED COPY OF THE NOTICE OF DEPOSITION, EXHIBIT "A" AND EXHIBIT "B" ATTACHED TO THE SERVICE COPY OF THIS SUBPOENA ONLY.

YOU MUST APPEAR OR RISK PENALTY OF LAW.

By order of said Court, this 23rd day of January, 2023.

Counsel:
Thomas M McEachin
909 Poydras St, Ste 1600
New Orleans, LA 70112

By: *Melissa R. Henry* Clerk of Court
Tracey Graham

Tracey Graham, Deputy Clerk

Issued: 01/23/23

Please see the attached La. C.C.P. Art. 1354, Subpoena duces tecum (attached to the Service copy only).
204-DepositionSubpoena&SDT

Rev 7/16

2021-15459
FILED

January 13, 2023

VIA FIRST CLASS U.S. MAIL:

Clerk of Court
22nd JDC, Parish of St. Tammany
P.O. Box 1090
Covington, LA 70434

JAN 19 2023

MELISSA HENRY
Deputy Clerk
Gretchen H. McGSS, Deputy Clerk

Re: James Schmidt, et al. v. Roubion Construction Company, L.L.C.
22nd JDC, No. 2021-15459, Div. "E"

To Whom It May Concern:

Please issue and send out for service as soon as possible the following subpoena
duces tecum and accompanying Notice of Deposition:

To: **DAMMON ENGINEERING, INC.**
Through its Registered Agent for Service of Process
David Paul Dammon
544 Old Spanish Trail
Slidell, LA 70458

For Production of:

See Exhibit A.

Return Date and Place:

February 9, 2023, at the law offices of SCHONEKAS, EVANS, MCGOEY &
MCEACHIN, LLC, 909 Poydras Street, Suite 1600, New Orleans, Louisiana
70112.

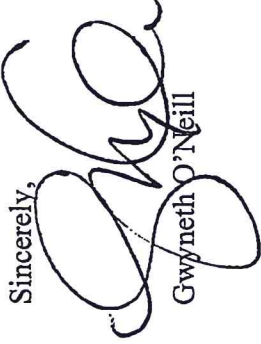
Deposition Date, Time and Place:

February 13, 2023, at 10:00 a.m., at the law offices of SCHONEKAS, EVANS,
MCGOEY & MCEACHIN, LLC, 909 Poydras Street, Suite 1600, New
Orleans, Louisiana 70112.

2023 JAN 19 A 10:56
CLERK OF COURT
CLERK OF COURT

Clerk of Court
January 13, 2023
Page 2

Should you have any questions regarding this request, please do not hesitate to contact me or my assistant, Terri Bowers, at 504-680-6059.

Sincerely,

Gwyneth O'Neill

Enclosures

A TRUE COPY

DY. CLERK OF DIST. COURT
ST. TAMMANY PARISH, LA.
Tracey Graham, Deputy Clerk

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2021-15459

DIVISION "E"

JAMES SCHMIDT AND GLENDA SCHMIDT

VERSUS

ROUBION CONSTRUCTION COMPANY, L.L.C.

FILED: JAN 19 2023

SIGRETCHEM H. MOSS

DEPUTY CLERK

NOTICE OF DEPOSITION & SUBPOENA DUCES TECUM

TO: DAMMON ENGINEERING, INC

Through its Registered Agent for Service of Process

David Paul Dammon

544 Old Spanish Trail

Slidell, LA 70458

YOU ARE HEREBY COMMANDED in the name of the State of Louisiana and of this Honorable Court to appear and produce the records and documents requested in Exhibit "A" attached hereto on the **9th day of February, 2023, at the offices of Schonekas, Evans, McGoey and McEachin, LLC, 909 Poydras Street, Suite 1600, New Orleans, LA 70112.**

YOU ARE FURTHER COMMANDED in the name of the State of Louisiana and of this Honorable Court to for deposition upon oral examination relative to the matters outlined in Exhibit "B" attached hereto on the **13th day of February, 2023, at 10:00 a.m., at the offices of Schonekas, Evans, McGoey and McEachin, LLC, 909 Poydras Street, Suite 1600, New Orleans, LA 70112.**

By order of said Court, this ___ day of _____, 2023.

Clerk of Court

By:

Deputy Clerk

This subpoena duces tecum was issued at the request of:

Thomas McEachin, 26412

SCHONEKAS, EVANS, MCGOEY & MCEACHIN, LLC

909 Poydras Street, Suite 1600

New Orleans, LA 70112

Attorney for Roubion Construction Co., LLC

Please see the attached La. C.C.P. Art. 1354, Subpoena Duces Tecum (attached to the Service copy only)

**ATTACHMENT TO SERVICE COPY OF
SUBPOENA DUCES TECUM**

This document is prepared pursuant to the provisions of La. C.C.P. art. 1354 as amended by Act. No. 824 of the 2008 Regular Session. Effective January 1, 2009, the following language is required to appear on this form:

- A. A subpoena may order a person to appear and produce at trial, deposition, or hearing, books papers, documents, any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given. A subpoena may specify the form or forms in which electronically stored information is to be produced. A party or an attorney requesting the issuance and service of a subpoena shall take reasonable steps to avoid imposing due burden or cost on a person subject to that subpoena. The court in which the action is pending in its discretion may vacate or modify the subpoena if it is unreasonably or oppressive. Except when otherwise required by order of this court, certified copies, extracts, or copies of books, papers, and documents may be produced in obedience to the subpoena duces tecum instead of the originals thereof. If the party or attorney requesting the subpoena does not specify that the named person shall be ordered to appear, the person may designate another person having knowledge of the contents of the books, papers, documents, or things or electronically stored information, to appear as his representative.
- B. A person commanded to respond to a subpoena duces tecum may within fifteen days after service of the subpoena or before the time specified for compliance, if such time is less than fifteen days after service, send to the party or attorney designated in the subpoena written objections, with supporting reasons, to any or all of the requests, including objection to the production of electronically stored information in the form or forms requested. If objection is so made, the party serving the subpoena may file a motion to compel compliance with the subpoena and may move for sanctions for failure to reasonably comply.
- C. A person responding to a subpoena to produce books, papers or documents shall produce them as they are kept in the usual course of business or may organize and label them to correspond with the categories in the demand.
- D. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to the subpoena may produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably useable.
- E. A person responding to a subpoena need not produce the same electronically stored information in more than one form.
- F. A person responding to a subpoena need not produce books, papers, documents or electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel the production or to quash, the person from whom production is sought shall 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 production from such sources if the requesting party shows good cause. The court may specify conditions, including an allocation of the costs, for the production.
- G. When the person subpoenaed is an adverse party, the party requesting the subpoena duces tecum may accompany his request with a written request under oath as to what facts he believes the books, papers, documents, electronically stored information, or tangible things will prove, and a copy of such statement shall be attached to the subpoena. If the party subpoenaed fails to comply with the subpoena, the facts set forth in the written statement shall be taken as confessed, and in addition the party subpoenaed shall be subject to the penalties set forth in Article 1357.
- H. Subpoenas duces tecum shall reproduce in full the provisions of this Article.

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2021-15459

DIVISION "E"

JAMES SCHMIDT AND GLENDA SCHMIDT

VERSUS

ROUBION CONSTRUCTION COMPANY, L.L.C.

FILED: JAN 19 2023

SIGRETCHEN H. MOSS

DEPUTY CLERK

**NOTICE OF DEPOSITION AND
SUBPOENA DUCES TECUM TO DAMMON ENGINEERING, INC**

TO: DAMMON ENGINEERING, INC

Through its Registered Agent for Service of Process

David Paul Dammon

544 Old Spanish Trail

Slidell, LA 70458

PLEASE TAKE NOTICE in accordance with the Louisiana Code of Civil Procedure and the subpoena *duces tecum* with which you are being served, David Paul Dammon, as registered agent of Dammon Engineering, Inc., is requested to produce and make available for copying the documents described on Exhibit "A" attached hereto at Schonekas, Evans, McGoey and McEachin, LLC, 909 Poydras Street, Suite 1600, New Orleans, LA 70112 on or before the **9th day of February, 2023**, pursuant to Article 1438 of the Louisiana Code of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that Roubion Construction Co., LLC, through undersigned counsel, will take the deposition upon oral examination of **DAMMON ENGINEERING, INC.**, pursuant to Article 1442 and 1437 of the Louisiana Code of Civil Procedure, on **13th day of February, 2023, at 10:00 a.m.**, at the office Schonekas, Evans, McGoey & McEachin, LLC, 909 Poydras Street, Suite 1600, New Orleans, Louisiana 70112. *See Exhibit "B"* attached hereto listing matters to be addressed at deposition. The deposition will be recorded by audio, audiovisual, or stenographic means, and will be conducted before an officer duly authorized by the law to administer oaths and will continue from day to day until completed. The deposition will be taken for all purposes allowable under the Louisiana Code of Civil Procedure.

Respectfully submitted,

/s/ Thomas McEachin

Thomas M. McEachin, 26412
Gwyneth O'Neill, 35944
Benjamin O. Flaxenburg, 37682
SCHONEKAS EVANS MCGOEY &
McEACHIN, LLC
909 Poydras Street, Suite 1600
New Orleans, Louisiana 70112
Telephone: 504-680-6050
Facsimile: 504-680-6051
thomas@semmlaw.com

Attorneys for Roubion Construction Company, L.L.C.

CERTIFICATE OF SERVICE

I do hereby certify that on January 13, 2023, I delivered the forgoing document to the opposing counsel via ___ U.S. Mail, XX email and/or ___ facsimile transmission.

/s/ Thomas McEachin
THOMAS McEACHIN

A TRUE COPY

DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA.

Tracey Graham, Deputy Clerk

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2021-15459

DIVISION 'E'

JAMES SCHMIDT AND GLENDA SCHMIDT

VERSUS

ROUBION CONSTRUCTION COMPANY, L.L.C.

FILED: JAN 19 2023

S/GRETCHEN H. MOSS

DEPUTY CLERK

EXHIBIT A

Definitions:

For this subpoena *duces tecum*, the following terms defined below shall have the following meanings:

- A. The term “**communication**” means, without limitation, any oral, written, or electronic transmission of information, demands, statements, or questions, including but not limited to conversations, meetings, telephone calls, discussions, e-mail transmissions, voicemails, telegrams, teletypes, facsimiles, telefaxes, conferences, writings, letters, memoranda, notes, messages, or documents.
- B. The term “**document**” means the original or a copy of any written, printed, typed, photocopied, photographic, or graphic matter of any kind or character, and any recorded materials, however produced or reproduced, in your possession or control or known by you to exist, including, without limiting the generality of the foregoing, all drafts, contracts, diaries, calendars, desk pads, correspondence, communications, telegrams, teletypes, memoranda, notes, studies, reports, log books, lists, minutes, and entries in books of account relating or referring in any way to the subject matter of these interrogatories or requests.
- C. The terms “**and**” and “**or**” shall be construed either disjunctively or conjunctively or both, as necessary to bring within the scope of any requests all responses which might otherwise be construed to be outside the scope of the requests.

Documents to Be Produced:

The following documents should be produced at the time and place indicated in the subpoena:

- 1. Your complete file maintained in connection with services provided to James David Schmidt or Glenda Schmidt, including, but not limited to quotations, inspection services, invoices, and correspondence.
- 2. Your complete file maintained in connection with services provided to or inspections conducted of the property located at 59344 Lacombe Harbor, Lacombe, LA 70445, including, but not limited to quotations, inspection services, invoices, and correspondence.
- 3. A listing of all employees who performed any work or services or interacted in any way with James Schmidt or Glenda Schmidt, or any other individual relative to the property located at 59344 Lacombe Harbor, Lacombe, LA 70445.

4. A copy of any and all communications, including, but not limited to e-mails or text messages by and between any representative of Dammon Engineering, Inc. and James Schmidt or Glenda Schmidt, or any other individual relative to the property 59344 Lacombe Harbor, Lacombe, LA 70445.
5. A copy of any and all communications, including, but not limited to e-mails or text messages by and between any representative of Dammon Engineering, Inc. and any representative of Acme House Raising, LLC relative to the property located at 59344 Lacombe Harbor, Lacombe, LA 70445.
6. A copy of any and all communications, including, but not limited to e-mails or text messages by and between any representative of Dammon Engineering, Inc. and any representative of St. Tammany Parish Government relative to the property located at 59344 Lacombe Harbor, Lacombe, LA 70445.

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO. 2021-15459

DIVISION "E"

JAMES SCHMIDT AND GLENDA SCHMIDT

VERSUS

ROUBION CONSTRUCTION COMPANY, L.L.C.

FILED: JAN 19 2023

S/GRETCHEN H. MOSS

DEPUTY CLERK

EXHIBIT B: LIST OF MATTERS

1. Formation of Dammon Engineering, Inc ("Dammon Engineering"), including but not limited to correspondence to and from the Louisiana Secretary of State, drafting of corporate documents, articles of organization, initial report, members and ownership interests.
2. History and business of Dammon Engineering.
3. Any and all services requested and/or performed at the request of James or Glenda Schmidt (collectively, the "Schmidts").
4. Any and all services requested and/or performed at 59344 Lacombe Harbor, Lacombe, LA 70445.
5. Any and all communications with the Schmidts relative to the property at 59344 Lacombe Harbor, Lacombe, LA 70445.
6. Any and all communications with representatives of Acme House Raising, LLC relative to the property at 59344 Lacombe Harbor, Lacombe, LA 70445.
7. Services performed by Acme House Raising, LLC relative to the property at 59344 Lacombe Harbor, Lacombe, LA 70445.
8. Any and all communications with representatives of St. Tammany Parish Government relative to the property at 59344 Lacombe Harbor, Lacombe, LA 70445.
9. The Federal Emergency Management Agency's Flood Mitigation Assistance program.
10. The Governor's Office of Homeland Security and Emergency Preparedness.
11. St. Tammany Parish's involvement in and administration of funds pursuant to the Flood Mitigation Assistance program.

ATTACHMENT TO SERVICE COPY OF SUBPOENA DUCES TECUM

Louisiana Code of Civil Procedure, Article 1354, Subpoena duces tecum

- A. A subpoena may order a person to appear and produce at the trial, deposition, or hearing, books, papers, documents, any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given. A subpoena may specify the form or forms in which electronically stored information is to be produced. A party or an attorney requesting the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or cost on a person subject to that subpoena. The court in which the action is pending in its discretion may vacate or modify the subpoena if it is unreasonable or oppressive. Except when otherwise required by order of the court, certified copies, extracts, or copies of books, papers, and documents may be produced in obedience to the subpoena duces tecum instead of the originals thereof. If the party or attorney requesting the subpoena does not specify that the named person shall be ordered to appear, the person may designate another person having knowledge of the contents of the books, papers, documents, other things, or electronically stored information, to appear as his representative.
- B. A person commanded to respond to a subpoena duces tecum may within fifteen days after service of the subpoena or before the time specified for compliance, if such time is less than fifteen days after service, send to the party or attorney designated in the subpoena written objections, with supporting reasons, to any or all of the requests, including objection to the production of electronically stored information in the form or forms requested. If objection is so made, the party serving the subpoena may file a motion to compel compliance with the subpoena and may move for sanctions for failure to reasonably comply.
- C. A person responding to a subpoena to produce books, papers, or documents shall produce them as they are kept in the usual course of business or may organize and label them to correspond with the categories in the demand.
- D. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably useable.
- E. A person responding to a subpoena need not produce the same electronically stored information in more than one form.
- F. A person responding to a subpoena need not produce books, papers, documents, or electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel production or to quash, the person from whom production is sought shall 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 production from such sources if the requesting party shows good cause. The court may specify conditions, including an allocation of the costs, for the production.
- G. When the person subpoenaed is an adverse party, the party requesting the subpoena duces tecum may accompany his request with a written request under oath as to what facts he believes the books, papers, documents, electronically stored information, or tangible things will prove, and a copy of such statement shall be attached to the subpoena. If the party subpoenaed fails to comply with the subpoena, the facts set forth in the written statement shall be taken as confessed, and in addition the party subpoenaed shall be subject to the penalties set forth in Article 1357.
- H. Subpoenas duces tecum shall reproduce in full the provisions of this Article.

Amended by Acts 1978, No. 593, §1; Acts 2008, No. 824, §2, eff. Jan. 1, 2009.