

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

ST. JOSEPH SUPERIOR COURT 6
CAUSE NO. 71D06-1908-MI-000389

JUDICIAL WATCH, INC.,)
 Plaintiff,)
)
 v.)
)
CITY OF SOUTH BEND,)
 Defendant.)

FILED
November 20, 2020
ST. JOSEPH CIRCUIT & SUPERIOR COURT
MH

ORDER

A hearing was held on November 13, 2020 regarding the Defendant’s *Motion for Protective Order* at which time the Plaintiff appeared by Attorneys Andrew B. Jones and Maggie Marnocha, the Defendant appeared by Attorneys Peter Agostino and Aladean DeRose, and non-party Peter Buttigieg appeared by Attorney James Wieser. Arguments were heard and considered by the Court.

The Court now ORDERS:

1. The Notice of Deposition of Peter Buttigieg is withdrawn by the Plaintiff;
2. The appearance of the Public Access Counselor, by counsel, is withdrawn;
3. The Plaintiff shall issue the attached *Subpoena Duces Tecum* and *TR 34(C) Request to Non-Party for the Production of Documents* (Attached as Exhibit A) to Peter Buttigieg for emails, if any, of official government business using his personal/non-City of South Bend email account(s);
4. All parties, including non-party Peter Buttigieg, agree that Peter Buttigieg shall respond to the subpoena;

- 5. All responsive emails shall be reviewed by defense counsel in order to determine if they contain privileged or deliberative communications; and
- 6. Defense counsel shall submit a privilege log pertaining to any redactions or documents that are responsive but not provided to Plaintiff.

SO ORDERED this 20th day of November 2020.

David C. Chyba

Judge, St. Joseph Superior Court 6



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Plaintiff,)
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v.)
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CITY OF SOUTH BEND,)
)
Defendant.)

SUBPOENA DUCES TECUM

TO: Peter Paul Montgomery Buttigieg
c/o City of South Bend Legal Department
227 West Jefferson Boulevard, #1400
South Bend, IN 46601

You are hereby commanded to produce to Andrew B. Jones, JONES LAW OFFICE, LLC, 205 West Jefferson Blvd., Suite 200, South Bend, Indiana 46601, the following described documents or other tangible things:

**ALL DOCUMENTS REQUESTED IN THE ATTACHED
T.R.34(C) REQUEST TO NON-PARTY**

Andrew B. Jones (#29686-71)
Jones Law Office LLC
205 W. Jefferson Blvd. Ste. 200
South Bend, IN 46601
(574) 239-7017
andrew@attorney-jones.com

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JUDICIAL WATCH, INC.,)
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Plaintiff,)
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**T.R.34(C) REQUEST TO NON-PARTY FOR
THE PRODUCTION OF DOCUMENTS**

TO: Peter Paul Montgomery Buttigieg
c/o City of South Bend Legal Department
227 West Jefferson Boulevard, #1400
South Bend, IN 46601

COMES NOW, Plaintiff, by counsel, Andrew B. Jones, pursuant to T.R. 34(C) of the Indiana Rules of Trial Procedure, and requests the above-captioned non-party produce and make available for inspection and/or copying by this Plaintiff the following documents:

1. Emails between Mayor Peter Buttigieg on any personal/private or non-South Bend email account and any of the below listed individuals from July 1, 2016 through June 30, 2017 containing the following terms: "Community Resident Card," "CRC," "Municipal ID," "SB ID," "SBID," "Resident ID," and/or "Community ID."

Individuals:

Sam Centellas
Felix Bueno, Jr.
Tammy Bell
Molly Buser
Scott Ruskowski
Eric Horvath
Marcia I. Jones

John Collins
Laura O'Sullivan
Genevieve Miller
Cherri Peate
Mark Bode
Jamie Morgan

You are advised that pursuant to the provisions of Trial Rule 34(C), upon which this request is predicated, you may respond to such request by submitting to its terms, proposing different terms, by objecting specifically or generally to this request by serving a written response to the party making this request within thirty (30) days or by moving to quash as permitted by Rule 45(B). Non-party is further advised that if the non-party's response is unfavorable, or if it should move to quash or refuse to cooperate after responding or fail to respond, or it should object, this plaintiff is permitted to move for an order under Rule 37(A) with respect to any such response or objection.

Plaintiff requests that the non-party comply with this request by mailing true and accurate copies of the aforesaid documents to its attorney, Andrew B. Jones, JONES LAW OFFICE LLC, 205 West Jefferson Blvd., Suite 200, South Bend, IN 46601, or by permitting inspection and/or copying of such records by this party on or before thirty (30) days upon receipt of this request, at the location of storage of subject documents.

Andrew B. Jones (#29686-71)
Jones Law Office LLC
205 W. Jefferson Blvd. Ste. 200
South Bend, IN 46601
(574) 239-7017